

DEPARTMENT OF SOCIAL SERVICES
DIVISION OF CORRECTIONAL INSTITUTIONS

THE IOWA
CRIMINAL JUSTICE SYSTEM
PROGRAM

JOHN A. THALACKER, PROGRAM DIRECTOR

SPONSORED BY:

DIVISION OF CORRECTIONAL INSTITUTIONS
BUREAU OF COMMUNITY CORRECTION SERVICES
OFFICE OF STAFF DEVELOPMENT
IOWA CRIME COMMISSION

IOWA CRIMINAL JUSTICE SYSTEM PROGRAM

MAY 5 - 9, 1975

MONDAY, May 5, 1975

- 10:00 Registration
- 11:00 Orientation - John Thalacker
- 11:15 Pre-test
- 11:45 Lunch
- 12:15 History of Criminal Justice - John Walton
- 12:45 Iowa Criminal Justice System Program, 1960--1974 -
Cal Auger
- 1:30 Break
- 1:40 Changes in the Delivery of Social Services - 1960--1974 -
Terry Hartman
- 2:10 Community Social Service and the Criminal Justice
System - Florence Stockman
- 2:40 Break
- 2:50 Toward Improved Communication - Donald Dahl
- 4:30 Break
- 4:40 "Tough-minded Interpersonal Communication"
"Cruel and Unusual Punishment"
- 6:00 Dinner

TUESDAY, May 6, 1975

- 8:00 Problem Solving Exercise
- 10:00 Break
- 10:10 Family and Community Impact on Crime - John Stratton, Ph.D.
- 11:00 Break
- 11:10 Family and Community Impact on Crime - John Stratton, Ph.D.

12:00 Lunch
1:00 Family and Community Impact on Crime - John Stratton, Ph.D.
1:30 Group Discussion
2:15 Community Law Enforcement - Doug Edmonds, Deputy Sheriff
3:00 Break
3:10 Legal Rights and Procedures in Criminal Justice -
Joe Coleman
4:10 Break
4:20 Judicial Decision Making - Judge William Eads/Judge
A. F. Honsell
5:15 Group Discussion
6:00 Dinner

WEDNESDAY, May 7, 1975

8:00 Movie - "Who Am I?"
8:15 Community Corrections - Eugene Gardner, Larry Nelson
9:45 Break
9:55 Movie - "Dehumanization and the Total Institution"
10:10 Administrative Perspectives - Lou Brewer/John Sissel/Hal
Farrier/Ted Wallman/Paul Muller
11:45 Lunch
12:45 Citizen's Aide - Ray Cornell
1:15 Movies - "Playing It Cool" and "Tough Minded Supervision"
2:05 Break
2:15 Different Approaches to Individualized Treatment -
Hal Farrier
3:15 Problem Solving Exercise
5:15 Movie - "Courtroom Testimony and Demeanor"
"Before Help Arrives"
6:00 Dinner

THURSDAY, May 8, 1975

- 8:00 Role Playing
9:50 Break
10:00 Working Inside
10:45 Community Planning for Release - Kent Ellithorpe/Steve Dailey
12:00 Lunch
1:45 Tours: Iowa State Reformatory, Anamosa
Iowa State Medical Facility, Oakdale
5:15 Cookout

FRIDAY, May 9, 1975

- 8:00 Parole Board - Dick Sorci
9:00 Break
9:10 Another Perspective - Bill Malone/Ray Gardner/Bernard
Duffy
10:45 Group Discussion
11:30 Post-test
12:00 Lunch
12:45 Future of Corrections and Summary - John Thalacker
1:45 Presentation of Certificates - John Thalacker
2:30 Adjournment

STAFF

AUGER, Cal
Acting Director
Division of Correctional
Institutions
Warden
Iowa Men's Reformatory
Anamosa, Iowa

BREWER, Lou, Warden
Iowa Men's Penitentiary
Fort Madison, Iowa

COLEMAN, Joe
Assistant Attorney General
Area Prosecutor's Division
Des Moines, Iowa

CORNELL, Ray
Deputy Citizen's Aide
Des Moines, Iowa

DAHL, Donald
Student Services Division
Indian Hills Community College
Ottumwa, Iowa

DAILEY, Steve
Work Release Supervisor
Newton, Iowa

DUFFY, Bernard
Riverview Apartments
Des Moines, Iowa

EADS, William
Judge, 6th Judicial District
Cedar Rapids, Iowa

EDMONDS, Doug
Deputy Sheriff
Johnson County
Iowa City, Iowa

EGGLESTON, Jerry
Training Officer
Newton, Iowa

ELLITHORPE, Kent
Parole/Probation Officer
Iowa City, Iowa

FARRIER, Hal
Superintendent
Iowa Security Medical Facility
Oakdale, Iowa

GARDNER, Eugene
Associate Director
Bureau of Community
Correctional Services
Des Moines, Iowa

GARDNER, Ray
Riverview Release Center
Newton, Iowa

GOODSPEED, Norene
Secretary, Deputy Director
Des Moines, Iowa

HONSELL, A. F.
Judge, 6th Judicial District
Cedar Rapids, Iowa

MALONE, William
Vocational Instructor
Iowa State Penitentiary
Fort Madison, Iowa

MULLER, Paul
Superintendent
Riverview Release Center
Newton, Iowa

NELSON, Larry
Project Coordinator
Community Court Services
6th Judicial District
Cedar Rapids, Iowa

SISSEL, John
Deputy Warden
Iowa Men's Reformatory
Anamosa, Iowa

SORCI, Richard
Parole Board Liaison
Iowa Men's Reformatory
Anamosa, Iowa

STAFF (Contd.)

STOCKMAN, Florence
Assistant Director
Johnson County Department
of Social Services
Iowa City, Iowa

STRATTON, John, Ph.D.
Chairman, Sociology Department
University of Iowa
Iowa City, Iowa

THALACKER, John
Deputy Corrections Administrator
Division of Correctional
Institutions
Des Moines, Iowa

WALLMAN, Ted
Superintendent
Iowa Women's Reformatory
Rockwell City, Iowa

WALTON, John
Special Projects Director
Bureau of Community Correctional
Services
Des Moines, Iowa

PARTICIPANTS

BAUMACK, Karen
Rockwell City

didn't come

GREER, Reese
Oakdale

stationary engineer

BEHREND, Patricia
Anamosa

Central Records repository

GRETEN, James, Jr.
Anamosa

Co.

BLACK, Dee
Rockwell City

GROOTERS, Kathy
Rockwell City

Counselor III

BOOTH, Marty
Newton

work release secretary repository

GROSS, John
Fort Madison

C.O. at I.S.P. SI relief

CARTER, Robert
Fort Madison

parcel room

GUNTHER, Cynthia
Anamosa

C.O. at I.S.P. visiting room

CORNELL, Ray
Des Moines

HARBISON, Jane
Fort Madison

at Central Records

CRANDALL, Alvina
Anamosa

mail-impulse

HINDRICKSEN, Sharon
Anamosa

Business office

DIETEKER, Richard
Anamosa

driver I.S.P.

HOYLE, Doris
Anamosa

Hobby Shop & Inmate accounts

ELLIOTT, Larry
Oakdale

housekeeping

IMHOFF, Terry
Waterloo

Parole & Probation Office

FELLER, Mike
Oakdale

MHO

JAHNKE, Vanada
Waterloo

Parole & Probation Office

FERNANDEZ, Shirley
Oakdale

nurse

JARVIS, Steve
Burlington

trial pre-trial Release

GOOCH, Laurie
Des Moines

pre-trial

JENSEN, William
Anamosa

GREEN, Gladys
Oakdale

making cook

JOHNSON, Jeri
Fort Madison

mail clerk

PARTICIPANTS (CONTD.)

JOHNSON, Cydney
Oakdale

front office

MENKE, Betty
Fort Madison

clerk II payroll

JOHNSON, Gladys
Oakdale

*Supervisor
Duty*

MILLER, Nelda
Anamosa

secretary to I.S.I. Manager

JOHNSON, Tom
Spencer

Parole & Probation office

~~NELSON, Gary~~
~~Sioux City~~

Parole & Probation

KINKADE, Edward
Fort Madison

CH-20

OTT, Walter
Oakdale

plumber

LEDBETTER, Robert
Fort Madison

meat-cutter at I.S.P.

PATTERSON, Clyde
Fort Madison

recreation dept

LOOP, Delbert
Anamosa

FOR P. No. Sup.

PURINGTON, Curtis
Newton

*supervisor of
Davenport H. H. W.*

LYNCH, Dorothy
Oakdale

Registers

REMOS, Jim
Fort Des Moines

*case lead
counselor*

MC CABE, Jane Ann
Iowa City

Pre Trial Release

RICKELS, Sylvia
Anamosa

Bookkeeper

MC COY, Delbert
Fort Madison

driver

SAGER, Larry
Fort Madison

MC NABB, Tom
Oakdale

*Stationary
engineer*

SEELEY, Max
Anamosa

*lowest
Anamosa*

MACKLIN, Alice
Fort Madison

*clerk for
I.S.I.*

SIEBELS, Judith
Anamosa

Public Safety Dept

MANTERNACH, Jerome
Anamosa

*Treatment
Director*

SIEVERTSEN, Carleen
Anamosa

Sales Office Induskie

MENDEZ, Guadalupe
Fort Madison

*C.O.
"Pharmacist"*

SMITH, Jodell
Fort Madison

nurse I

ZORDELL, Jean
Newton

dietician

HISTORY OF THE CRIMINAL JUSTICE SYSTEM

I. Early Methods of Handling Wrongdoers

A. Law Enforcement System

B. Judicial System

1. English Common Law
2. Roman Code

C. Corrections System

1. European

2. Colonial
English Law Punitive rather than Rehabilitative -
 1. flogging
 2. Rack
 3. Stocks + Pillory
 4. mutilation

II. Development of Incarceration as Substitute for Corporal Punishment

A. ^{our} Goals

B. Workhouses
debtors & paupers

C. Prisons - strictly *anarchical*

1. Pennsylvania System - Solitary without labor

1790 Walnut Street Jail - Philadelphia
1792 - 2 more - Eastern & Western
Worked in cells

2. Auburn System - Solitary with congregate labor

1799 - New York
most 19th Century Prisons patterned here

3. Reformatories

Elmira - New York - "Larger offenders"

III. Prison Developments and Reform Efforts--Late 1800's to Present

1870 - National Prison Assn.

Contract & Lease System for inmates

1940's - Correctional Industries born

1950 - changes began

1952 - Jackson Mich

25 odd revolts

1960 - max treatment

1965-1970 - 37 dist.

Sept 13, 1971 - Attica

June 1972 - McAllister

IV. A Modern Philosophy of Rehabilitation

A. Punishment vs. rehabilitation

Schools of crime

B. The question of deterrence

V. Death Penalty

Thorsten Suller

1600 - 300 offense

1700 - 200 -

1970 - 10 - 16 -

1900 → 9720

1930 → 3124

12%

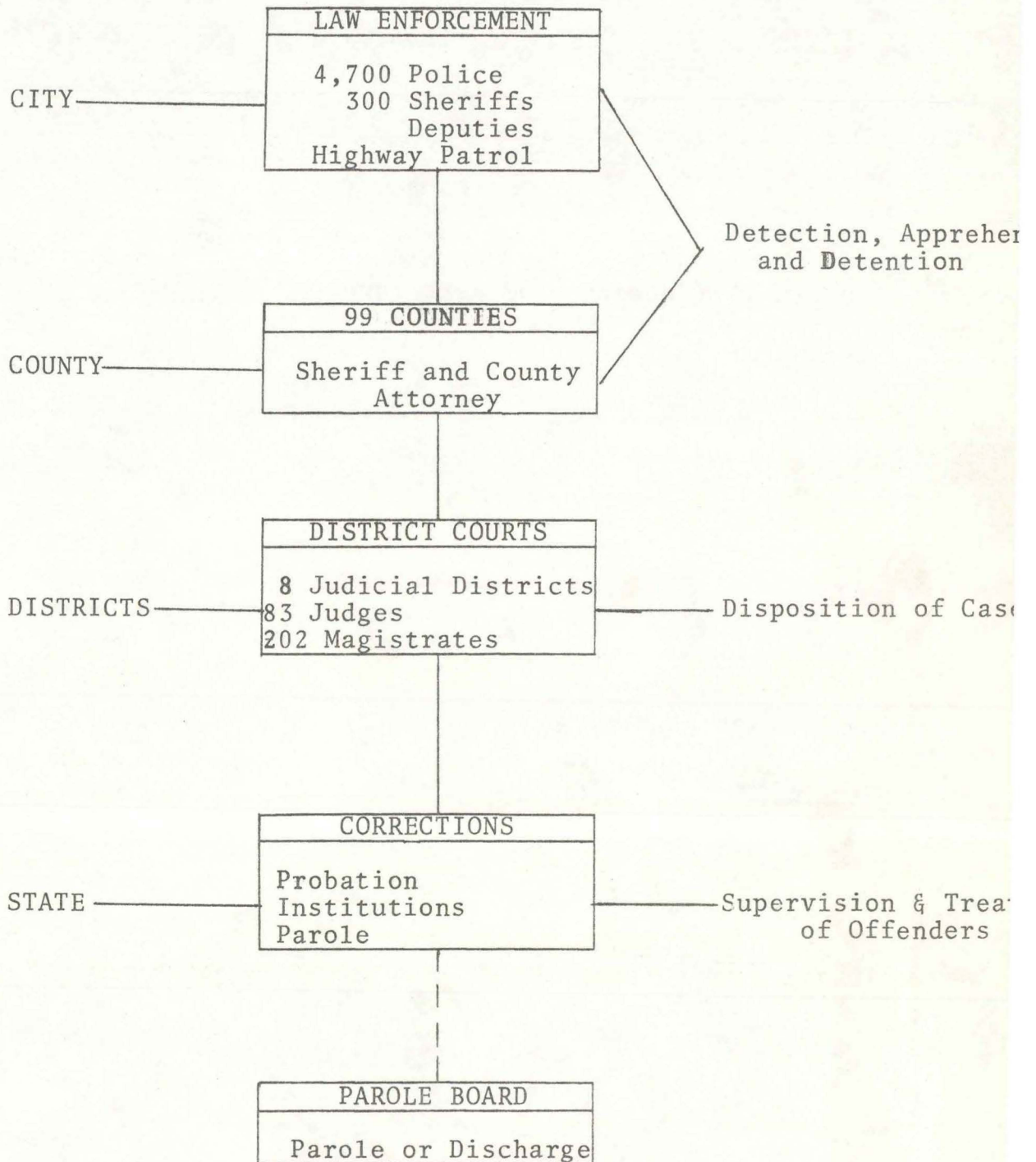
of

Pop.

52% were black.

1930

IOWA CRIMINAL JUSTICE SYSTEM



ADULT CORRECTIONS IN IOWA, 1960-1974
(Department of Social Services)

	<u>1960</u>	<u>June 30 1974</u>
I. Institutional Correctional Services		
A. Number of inmates	<u>2,255</u>	<u>1,471</u>
B. Number of staff	<u>488</u>	<u>764</u>
C. Cost per day	<u>\$4.21</u>	<u>\$19.55</u>
D. Return rate	<u>47.7</u>	<u>33.6</u>
II. Community Correctional Services		
A. Number of pre-sentences	<u> </u>	<u>1,757</u>
B. Number in supervision	<u>871</u>	<u>1,802</u>
1. Parole	<u>381</u>	<u>447</u>
2. Probation	<u>302</u>	<u>946</u>
3. Interstate Compact	<u>188</u>	<u>123</u>
4. Misdemeanors	<u> </u>	<u>286</u>
C. Number of staff (officers only)	<u>15</u>	<u>74</u>
D. Cost per day	<u>\$.51</u>	<u>\$1.21</u>
III. Climate about Offender		
A. Public		
B. Community Staff		
C. Institutional Staff		
D. Legislature		
IV. Industries Role		

V. Central Office

A. Division of Correctional Institutions

1. Staff

*Cal
Aug*

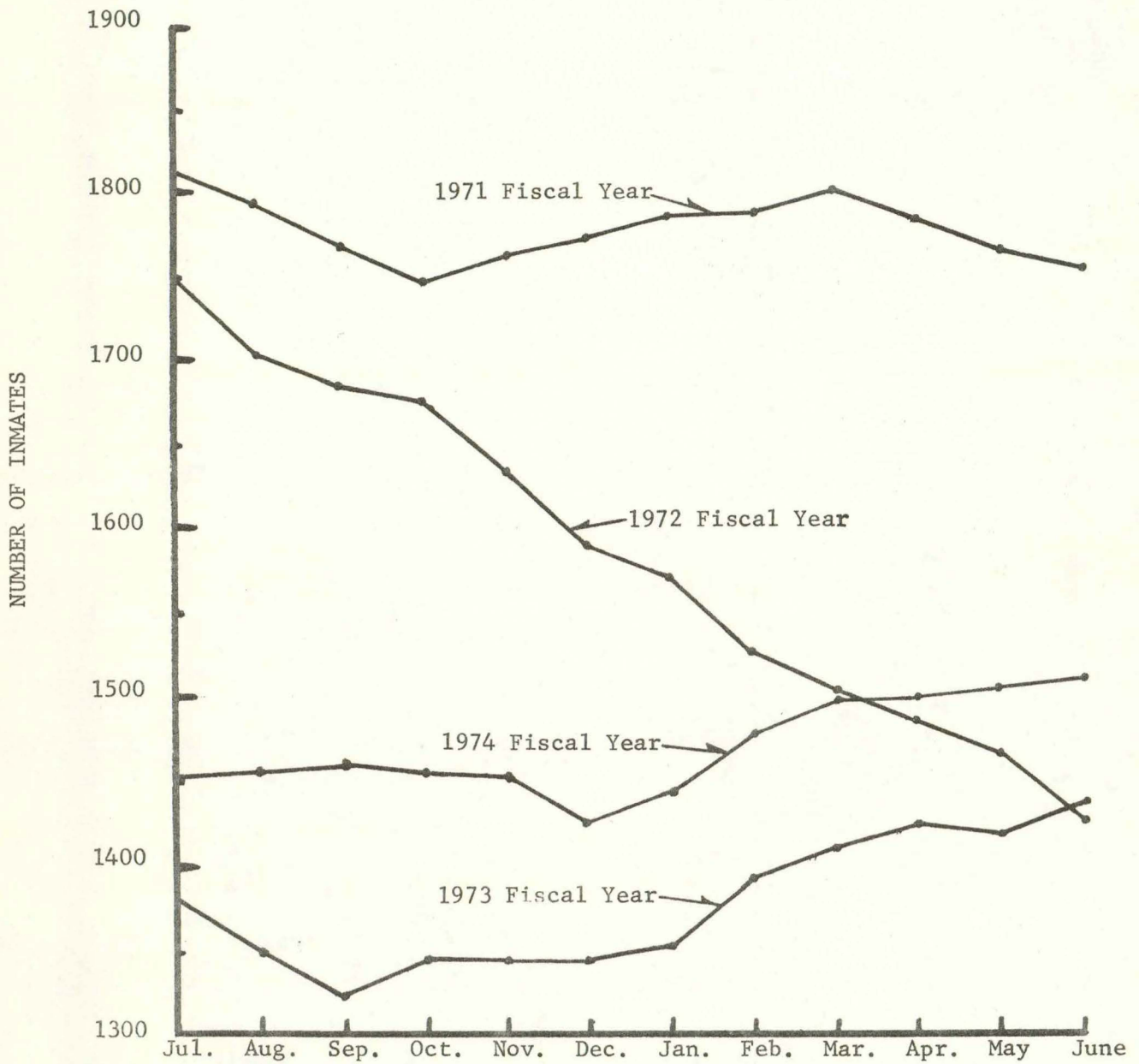
2. Services

B. Bureau of Community Corrections

1. Staff

2. Services

CHANGE IN AVERAGE MONTHLY POPULATION IN THE CORRECTION INSTITUTIONS
for the Past Four Years



INSTITUTION	CAPACITY 1969	POPULATIONS		
		3/1/71	7/1/73	7/1/74
IOWA STATE PENITENTIARY Ft. Madison	1,303	848	610	570
IOWA MEN'S REFORMATORY Anamosa	946	626	472	615
RIVERVIEW RELEASE CENTER Newton	126	123	157	143
LUSTER HEIGHTS CAMP Harpers Ferry	40	30	39	31
IOWA SECURITY MEDICAL FACILITY Oakdale	93	99	91	95
IOWA WOMEN'S REFORMATORY Rockwell City	100	75	66	65
TOTAL	2,608	1,801	1,221	1,519

DEPARTMENT OF SOCIAL SERVICES

BUREAU OF ADULT CORRECTION SERVICES

Preliminary-Movement of Population in Adult Institutions for FISCAL YEAR ENDING 6-30-74

	State Penitentiary <u>Fort Madison</u>	Men's Reformatory <u>Anamosa</u>	Security Hospital <u>Oakdale</u>	Women's Reformatory <u>Rockwell City</u>	Release Center <u>Newton</u>	Total
Beginning Population	603	483	92	70	203	1,451
Received This Month						
Court Convictions	221	384	1	52	-	658
Parole Returns(Rules & Replace)	33	28	-	7*	12	80
Transfer-In	193	193	228	-	475	1,089
Return From Escape	20	11	1	45	100	177
Safekeepers & Evaluations	1	40	189	-	-	230
Ret. Appeal Bond	12	6	-	1	-	19
Insane Commitment	-	-	17	-	-	17
Total Received	480	662	436	105	587	2,270
Released This Month						
Expiration of Sentence	95	33	3	13	63	207
Paroles & Replacements	25	16	7	42	333	423
Transfer-Out	351	416	217	-	105	1,089
Escaped	23	13	1	51	114	202
Safekeepers & Completed Eval.	1	34	184	1	-	220
Death	2	1	-	-	-	3
Appeal Bond	16	17	1	3	1	38
Release of Insane	-	-	20	-	-	20
Total Released	513	530	433	110	616	2,202
Ending Population	570	615	95	65	174	1,519
Average Daily Resident Pop.	593	552	93	63	171	1,472

*NOTE: Five were returned for replacement, as well as those at Newton

CAMP POPULATION

Luster Heights

Beginning Population	39
Received	51
Departed	59
Ending Population	31
Average Monthly	28

DEPARTMENT OF SOCIAL SERVICES

BUREAU OF ADULT CORRECTION SERVICES

PRELIMINARY-Movement of Population in Adult Institutions for FISCAL YEAR ENDING 6-30-73

	State Penitentiary <u>Fort Madison</u>	Men's Reformatory <u>Anamosa</u>	Security Hospital <u>Oakdale</u>	Women's Reformatory <u>Rockwell City</u>	Release Center <u>Newton</u>	<u>Total</u>
Beginning Population	588	466	100	40	212	1,406
Received This Month						
Court Convictions	195	326	1	55	--	577
Parole Returns	52	73	--	7*	29	161
Transfer-In	249	215	222	--	405	1,091
Transfer Pre-Release	--	--	--	--	200	200
Return From Escape	25	13	2	42	73	155
Safekeepers & Evaluations	1	18	152	4	--	175
Juvenile Delinquents	--	1	--	1	--	2
Ret. Appeal Bond	13	5	--	--	--	18
Insane Commitment	--	--	4	--	--	4
Total Received	535	651	381	109	707	2,383
Released This Month						
Expiration of Sentence	62	49	4	8	86	209
Paroles & Replacements	16	14	10	22	405	467
Transfer-Out	290	448	209	--	145	1,092
Transfer for Pre-Release	113	78	9	--	--	200
Escaped	24	13	2	45	75	159
Safekeepers & Completed Eval.	1	18	150	3	--	172
Death	1	--	1	--	--	2
Appeal Bond	13	11	1	--	5	30
Release of Juv. Delinquent	--	3	--	1	--	4
Release of Insane	--	--	3	--	--	3
Total Released	520	634	389	79	716	2,338
Ending Population	603	483	92	70	203	1,451
Average Daily Resident Pop.	603	429	94	54	195	1,375

*NOTE: One was returned for replacement.

CAMP POPULATION

Luster Heights

Beginning Population	28
Received	77
Departed	66
Ending Population	39

DEPARTMENT OF SOCIAL SERVICES

BUREAU OF ADULT CORRECTION SERVICES

Movement of Population in Adult Institutions for FISCAL YEAR ENDING 6-30-72

	State Penitentiary <u>Fort Madison</u>	Men's Reformatory <u>Anamosa</u>	Security Hospital <u>Oakdale</u>	Women's Reformatory <u>Rockwell City</u>	Release Center <u>Newton</u>	<u>Total</u>
Beginning Population	828	619	103	75	135	1,760
Received This Month						
Court Convictions	203	332	2	43	--	580
Parole Returns	52	53	--	3	40	148
Transfer-In	132	173	184	--	413	902
Transfer Pre-Release	--	--	--	--	364	364
Return From Escape	32	30	3	12	41	118
Safekeepers & Evaluations	2	7	118	--	--	127
Juvenile Delinquents	--	2	3	1	--	6
Ret. Appeal Bond	6	7	1	--	--	14
Insane Commitment	--	--	5	--	--	5
Total Received	427	604	316	59	858	2,264
Released This Month						
Expiration of Sentence	131	46	4	29	113	323
Paroles & Replacements	78	61	10	48	526	723
Transfer-Out	225	429	163	--	85	902
Transfer For Pre-Release	189	166	9	--	--	364
Escaped	26	29	3	13	55	126
Safekeepers & Completed Eval.	2	16	122	--	--	140
Death	2	--	--	--	--	2
Appeal Bond	14	10	1	2	1	28
Release of Juv. Delinquent	--	--	3	2	1	6
Release of Insane	--	--	4	--	--	4
Total Released	667	757	319	94	781	2,618
Ending Population	588	466	100	40	212	1,406
Average Daily Resident Pop.	730	523	99	53	178	1,583

CAMP POPULATION

Luster Heights

Beginning Population	27
Received	77
Departed	76
Ending Population	28

POPULATION MOVEMENT FOR PAROLE AND PROBATION IN IOWA
for the Year Ending June 30, 1974

CASES RECEIVED

SUPERVISED IN IOWA

Admission Type	Male	Female	Total
Deferred Sentence	392	78	470
Probation	477	62	539
From Other States	223	20	243
Parole	338	34	372
Misdemeanor	220	13	233
TOTAL RECEIVED	1650	207	1857

CASES RELEASED

SUPERVISED IN IOWA

Type of Separation	MALE						FEMALE					
	Def.Sent.	Prob.	O.S.	Par.	Misd.	Total	Def.Sent.	Prob.	O.S.	Par.	Misd.	Total
Discharged	114	316	114	285	5	834	9	60	11	23	-	103
Revocation	6	75	16	59	3	159	2	6	3	9	-	20
Return to O.S.	-	-	55	-	-	55	-	-	3	-	-	3
Replacement												
Absconded	4	13	8	37	1	63	-	1	1	3	-	5
Death	-	7	-	3	-	10	-	-	-	-	-	-
TOTAL	124	411	193	384	9	1121	11	67	18	35	-	131

ENDING POPULATION

as of												
June 30, 1974	399	633	270	385	209	1896	76	90	24	31	13	234

ADMISSION DEFINITIONS

Deferred Sentence: Sentence withheld by the court for felony convictions
 Probation: Institution Commitment withheld by the court for felony convictions
 Out of State: All interstate compact cases transferred to Iowa from other states
 Parole: Inmates paroled from state Institutions
 Misdemeanor: Convictions by the court for indictable misdemeanors

POPULATION MOVEMENT FOR PAROLE AND PROBATION
for the Year Ending June 30, 1973

CASES RECEIVED	SUPERVISED IN IOWA			SUPERVISED IN OTHER STATES		
	Male	Female	Total	Male	Female	Total
Admission Type						
Deferred Sentence	55	10	65	12	4	16
Probation	383	71	454	66	7	73
From Other States	205	14	219	-	-	-
Parole	372	20	392	44	3	47
TOTAL RECEIVED	1015	115	1130	122	14	136

CASES RELEASED	SUPERVISED IN IOWA					SUPERVISED IN OTHER STATES														
	MALE					FEMALE					MALE					FEMALE				
Type of Separation	Def. Sent.	Prob.	O.S.	Par.	Total	Def. Sent.	Prob.	O.S.	Par.	Total	Def. Sent.	Prob.	O.S.	Par.	Total	Def. Sent.	Prob.	O.S.	Par.	Total
Discharged	116	399	128	316	959	22	74	14	33	143	27	56	1	50	134	7	10	-	3	20
Revocation	5	44	8	91	148	2	6	-	3	11	-	7	-	9	16	-	1	-	-	1
Return to O.S.	-	-	26	-	26	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-
Replacement	-	-	-	18	18	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-
Absconded	2	22	10	46	80	-	4	-	7	11	-	3	1	6	10	-	2	-	-	2
Death	1	2	-	5	8	-	-	-	1	1	-	-	-	1	1	-	1	-	-	1
TOTAL	124	467	172	476	1239	24	84	15	45	168	27	66	2	66	161	7	14	-	3	24

ENDING POPULATION as of June 30, 1973	MALE					FEMALE					MALE					FEMALE				
	D.S.	Prob	O.S.	Par.	Total	D.S.	Prob	O.S.	Par.	Total	D.S.	Prob	O.S.	Par.	Total	D.S.	Prob	O.S.	Par.	Total
	135	576	248	444	1403	11	99	22	33	165	26	122	1	91	240	1	9	-	3	13

for the Year Ending June 30, 1974

CASES RECEIVED

SUPERVISED IN OTHER STATES

Admission Type	Male	Female	Total
Deferred Sentence	36	4	40
Probation	66	22	88
From Other States	-	-	-
Parole	51	4	55
Misdemeanor	18	-	18
TOTAL RECEIVED	171	30	201

CASES RELEASED

SUPERVISED IN OTHER STATES

Type of Separation	<u>MALE</u>						<u>FEMALE</u>					
	Def.Sent.	Admission Type				Total	Def.Sent.	Admission Type				Total
		Prob.	O.S.	Par.	Misd.			Prob.	O.S.	Par.	Misd.	
Discharged	27	73	1	60	2	163	1	9	-	1	-	11
Revocation	-	4	-	3	1	8	-	1	-	-	-	1
Return to O.S.	-	-	-	-	-	-	-	-	-	-	-	-
Replacement												
Absconded	-	4	-	9	-	13	-	-	-	-	-	-
Death		1		1		2	-	-	-	-	-	-
TOTAL	27	82	1	73	3	186	1	10	-	1	-	12

ENDING POPULATION

as of												
June 30, 1974	37	123	-	73	18	251	5	25	-	9	-	39

POPULATION MOVEMENT FOR PAROLE AND PROBATION
for the Year Ending June 30, 1972

CASES RECEIVED	SUPERVISED IN IOWA			SUPERVISED IN OTHER STATES		
	Male	Female	Total	Male	Female	Total
Admission Type						
Deferred Sentence	160	21	181	20	3	23
Probation	438	59	497	50	10	60
From Other States	171	19	190	-	-	-
Parole	587	46	633	86	4	90
TOTAL RECEIVED	1356	145	1501	156	17	173

CASES RELEASED	SUPERVISED IN IOWA					SUPERVISED IN OTHER STATES														
	MALE					FEMALE					MALE					FEMALE				
Type of Separation	Def. Sent.	Prob.	O. S.	Par.	Total	Def. Sent.	Prob.	O. S.	Par.	Total	Def. Sent.	Prob.	O. S.	Par.	Total	Def. Sent.	Prob.	O. S.	Par.	Total
Discharged	163	364	100	231	858	31	52	14	15	112	16	61	2	40	119	6	9	-	4	19
Revocation	9	78	16	104	207	-	8	1	3	12	-	3	-	8	11	-	-	-	1	1
Return to O.S.	2	-	34	-	36	2	1	5	-	8	-	-	-	-	-	-	-	-	-	-
Replacement	-	-	-	26	26	-	-	-	2	2	-	-	-	-	-	-	-	-	-	-
Absconded	3	21	9	23	56	1	5	-	1	7	1	4	-	3	8	-	1	-	-	1
Death	-	2	1	5	8	-	-	-	-	-	1	1	-	-	2	-	-	-	-	-
TOTAL	177	465	160	389	1191	34	66	20	21	141	18	69	2	51	140	6	10	-	5	21

ENDING POPULATION

as of																				
June 30, 1972	205	657	219	565	1646	27	107	23	56	213	36	116	3	107	262	6	5	-	5	26

THE DEPARTMENT OF SOCIAL SERVICES

I. Overview of the Department

A. Established in 1968

1. Board of Social Welfare
2. Board of Control
3. Board of Parole

B. Composed of:

1. Offices

- a. Public Information
- b. Personnel
- c. Staff Development

2. Divisions

- a. Administrative Services
- b. Management and Planning
- c. Correctional Institutions
- d. Community Services
- e. Mental Health Services

3. Bureaus - All Within Community Services

- a. Youth Services
- b. Family and Adult Services
- c. Mental Retardation Services
- d. Veterans Services
- e. Income Maintenance
- f. Medical
- g. Community Correctional Services

4. Sections

- a. Legislative
- b. Special Projects
- c. Legal

II. Division of Correctional Institutions--^{Calvin Avger, Acting}~~Nolan E. Landson~~, Director

A. Central Office Staff

1. Statistics
2. Manpower Development

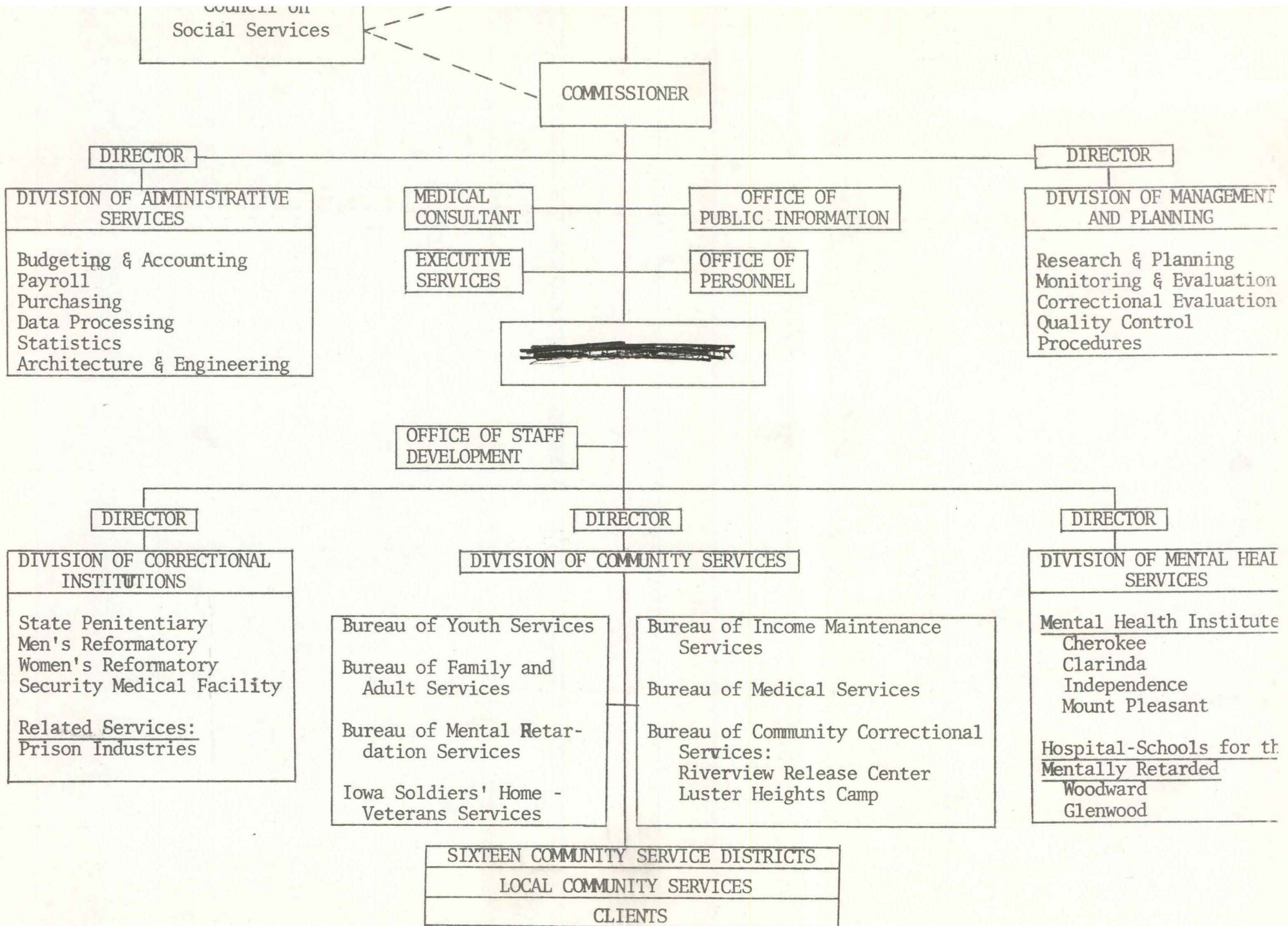
B. Line Units

1. Iowa State Penitentiary--Fort Madison
2. Iowa Men's Reformatory--Anamosa
3. Iowa Women's Reformatory--Rockwell City
4. Iowa Security Medical Facility--Oakdale

III. Division of Community Services--Catherine Williams, Director
Bureau of Community Correction Services--Roger Knuth, Director

1. Riverview Pre-Release Center--Newton
 - a. Halfway Houses
 - b. Luster Heights Camp

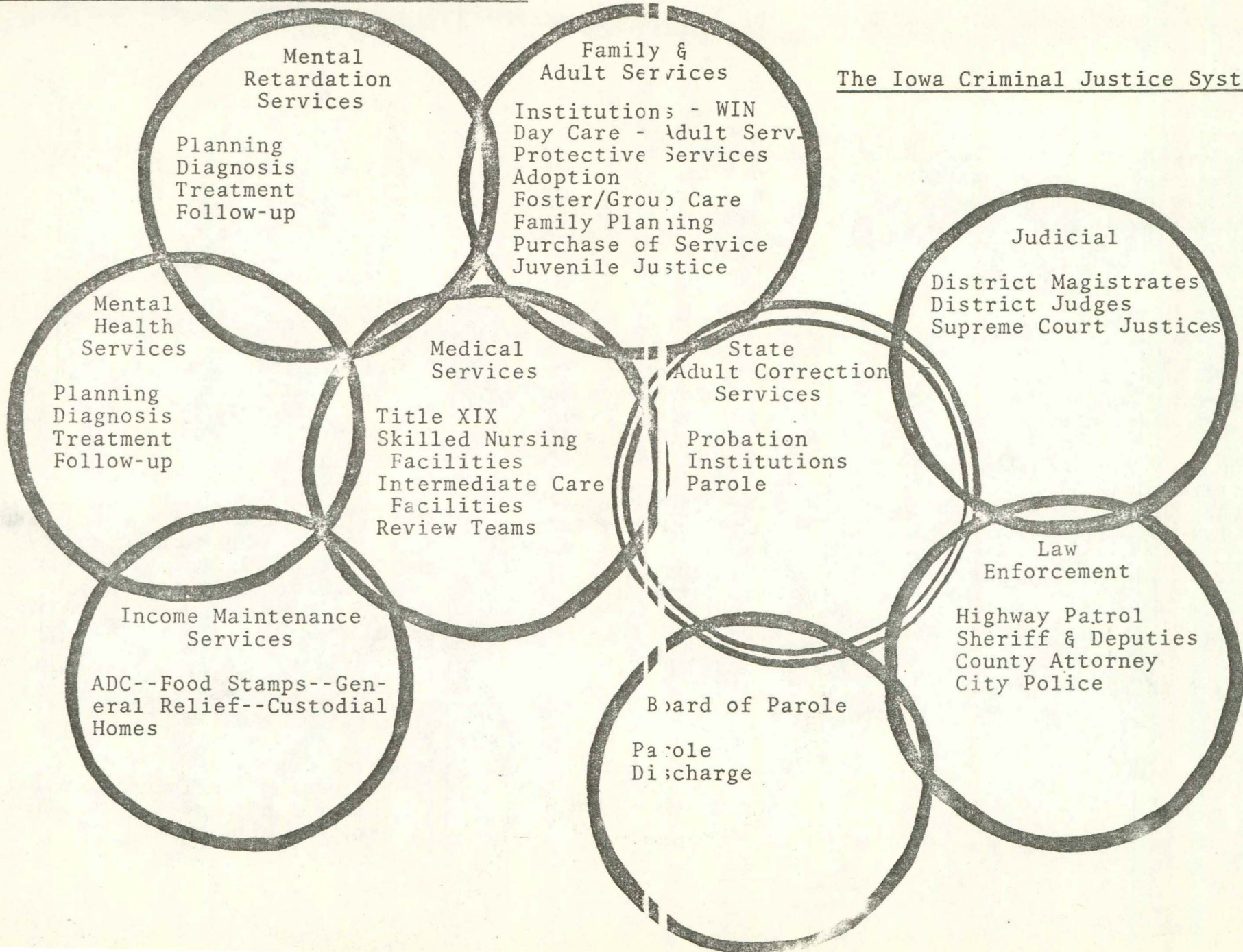
IV. Departmental Unity



THE COMMUNITY - THE PEOPLE OF IOWA

Iowa Department of Social Services System

The Iowa Criminal Justice System



Programs of the Department

Interlacing of Services

Iowa Criminal Justice System

- A. Division of Correctional Institutions
 - 1. Institutions (4)
- B. Division of Community Services
 - 1. Institutions (7)
 - 2. Community Services
 - Day Care-Foster/Group Care-WIN-Adoption-Adult Services-Protective Services-SYOP-Homemaker-Family Planning
 - 3. Purchase of Services
 - 4. Juvenile Justice System
 - 5. Parole & Probation
 - 6. Income Maintenance
 - 7. ADC (Aide to Dependent Children)
 - 8. Food Stamps
 - * 9. GR (General Relief)
 - 10. Custodial Homes
 - 11. Medical Services
- C. Division of Mental Health Services
 - 1. Institutions (6)
 - 2. Community Services: Planning-Follow-up

At any point from A to H wherever the person may be in a criminal justice system, the community related staff of the Department of Social Services should be able to bring to bear the various services from any or all of the Divisions of the Department. The purpose is to help the individual and/or his/her family with their life adjustment. This is to meet requirements of state law which requires the DSS to provide community services (SF 482, 1973 Code) and to provide services that prevent dependency (Section VI, Chapter 209-Code of Iowa). A common human relations approach prevails in the entire Department of Social Services.

- A. Person charged with committing an unlawful act.
- B. Police, Sheriff, Highway Patrol, Constable (local), make arrest.
- C. Court - Grand Jury, Municipal Court, indictment for a trial-dismissed, etc.
- D. Trial in Court System if indicted because of sufficient evidence.
- E. Pre-Sentence Investigation
- F. Trial findings of Guilty or Acquittal
 - Bench Parole/Probation by Judge to Parole/Probation Officer.
 - Placed in institution.
- AC Philosophy - Help the individual be a useful member of community and leave the institution as soon as possible -- total objective is to help person become a non-offender.
- G. Release from institution. Furlough, work release, recommendation for parole.
- H. Parole by Parole Board. AC Philosophy - Help offender retain their feelings of dignity and citizenship.

* 22 Counties in the State are non-integrated which means they do not have responsibility for GR.

TOWARD IMPROVED COMMUNICATION

I. Major Purposes of Communication

II. Essential Elements of Two-Way Communication

III. The Role of Communication of Human Need Satisfaction

IV. Barriers to Effective Communication

V. Problem Solving Exercise

A. Major Communication Problems

1.

2.

3.

B. Possible Solutions

1.

2.

3.

ESSENTIAL ELEMENTS IN COMMUNICATING

By this time, we should be aware of the fact that effective communication, far from being simple, is much more complex than we had thought because of the difficulty of getting across one's true meaning and because of the fact that communication is a two-way street with many blockades.

We have implied before that effective communication must be planned. Let's look at some essential steps in the planning of an important communication:

1. Know your objective:
Is it to gain understanding of a new policy or procedure? Is it to precondition employees in advance of some change? Is it to refute false charges by union officials? Is it to dispel fear caused by false rumors? Sharpen your objective. The sharper the focus, the better the result.
2. Identify your audience:
You may wish to use not only different language but different media to reach your engineers from those you would use in reaching your shop people.
3. Determine your medium (or media):
How best to communicate your message? Orally? If orally, will you do the line of common man-to-man or by group meetings? If printed, will you use the plant house organ or the public press or letters to employees' homes?
4. Tailor the communication to fit the relationship between sender and receiver:
Is the relationship climate one of fear and distrust or one of confidence? Is the receiver preoccupied, under emotional strain, fearful of impending layoffs? Are the employees accustomed to getting communication from you, the sender? (If you act differently from the way they expect, they will be bewildered or suspicious.) Is the receiver or are the receivers able to respond with the behavior response you desire?
5. Establish a mutuality of interest:
Can your objective be expressed in terms of self-interest to the receiver? Are you tuned in on his wavelength? Can he clearly see that your proposal or policy has something in it for him? Does it promise to fulfill one of his basic needs - to be superior, secure, socially acceptable, healthier, safer, etc.? Empathy, the ability to see the other person's point of view, is a priceless ingredient of effective communication.

6. Watch your timing:

It can often make or break the effectiveness of your communication. Do you wish to beat the grapevine? Should not your management employees receive the message first? Should not your employees receive it before they see it in the local news? Should the letter to employees' homes be sent on Monday? Perhaps, Wednesday would be better?

7. Measure results:

Use readership or recall surveys or other feedback devices to ensure that mutual understanding has been achieved, to check if desired response has occurred, and to improve the planning of your next communication.

In its "Ten Commandments of Good Communication", the American Management Association stresses the urgency of careful planning in its first commandment: "Many communications fail because of inadequate planning. Good planning must consider the goals and attitudes of those who will receive the communication and those who will be affected by it."

The good communicator, through instinct and training, subconsciously considers these factors in day-to-day communication and very consciously considers them in each of his important planned communication programs, whether it be the semiannual meeting with each employee to review his performance and progress, or mass appeal to all employees.

PURPOSES OF WRITTEN EMPLOYEE COMMUNICATIONS

From the managerial viewpoint, employee communications media are written for a variety of purposes; to inform, to change attitudes, to inspire, or to entertain.

To Inform

Products
Benefit plans
Sales operations
Research activities
Policies
History of Company
Company problems

To Change Attitudes

Prevent waste
Reduce tardiness and absenteeism
Increase Production
Free enterprise
Resistance to change
Rumors, fears, misconceptions
Good citizenship

To Inspire

Pride in job and company
Teamwork
Confidence in management
Recognition

To Entertain

Human interest
Recreation
Personalities
Hobbies

These purposes can be achieved by a good communications program, but there are some things that a program will not do:

1. It cannot inspire all employees.
2. It cannot change attitudes overnight.
3. It cannot eliminate waste, turnover, and tardiness.
4. It cannot inform all employees.

There are other "will nots" of written employee communications:

1. They will not increase productivity many times over.
2. They will not always make employees see things from the management point of view.
3. They will not substitute for good human relations of a good boss.

DESPITE THESE DRAWBACKS, EMPLOYEE COMMUNICATIONS WILL BE WELCOMED BY MOST EMPLOYEES BECAUSE THEY LIKE TO BE KEPT INFORMED.

PROBLEM SOLVING

SITUATION #1

A female secretary with excellent knowledge of policies and practices has applied for a position as a correctional officer in a men's institution. She is highly qualified. Should she be given the position? If not, why?

Correctional Specialists

Correctional Officers

SITUATION #2

A group of White inmates has formally complained to the administration that Black inmates are extended privileges not given to Whites--namely, Blacks are permitted longer hair than Whites. The White inmates have demanded that the hair code be identical for all inmates. What plan of action would you develop to deal with the situation?

SITUATION #3

Employee organizations can have several purposes. What are the advantages and disadvantages of employees forming a group in order to affect change in a correctional institution?

SITUATION #4

Outline a plan whereby inmates or clients would be paid for the minimum wage in the shop and pay for services received from the institution.

FAMILY AND COMMUNITY IMPACT ON CRIME

BASICS

I. The Concept of Crime

- A. The commission or omission of an act which the law forbids or commands under pain of punishment imposed by the state acting in its own name.

B. Crime, torts and "Parallel Liability"

II. Nature of Criminal Law

- A. Criminal law is a body of specialized rules regarding human conduct which have been promulgated by political authority which apply uniformly to all members of the classes to which the rules refer, and which are enforced by punishment administered by the state.

laws by analogy -

B. Substantive Law and Procedural Law Differentiated

III. Functions of the Criminal Law

- A. To create order and predictability in a complex society

- B. To protect the community from the offender and the offender as a community member from the indiscriminate power of the state.

IV. The Criminal

- A. Legal definition - a person found guilty of violating the criminal law

- B. Research definition - a person who has committed an act for which he/she could be found guilty (i.e., an act punishable by the state)

- C. "Criminal" is a social status

V. Four Categories of Offenders

- A. Those actually committing offenses without being known either because. . .

1.

2.

3.

B. Those known to have committed actual offenses, but are not punished because of. . .

1.

2.

3.

C. Those actually committing offenses for which they are convicted and punished.

D. Those convicted and punished for crimes they did not actually commit.

CAUSES

I. Complexity

II. Action and Causation

III. Brief History of Explanations - Virtually everything that has been thought to be related to human behavior has at one time or another been taken as the cause of criminal behavior.

IV. Some Problems in Explanations

V. Role of the Community

VI. Role of the Family

VII. Implications

LAW ENFORCEMENT IN THE COMMUNITY

I. Structure of Law Enforcement Agency

- A. Patrol
- B. Investigation
- C. Administration

Team-Working

II. Arrest Procedures

- A. Complaint or Observation of Offense
- B. Arrest
- C. Rights - Miranda Warning
- D. Transport
- E. "Book"
- F. Interrogation

III. Police Attitudes Regarding Ex-Offenders

IV. If Person Not Returned to Community, What Would You Suggest as Alternatives?

V. Problems Unique to Rural Areas

VI. Are Law Enforcement, Courts, and Corrections Part of a "System"? How Should Good Relationships be Set Up Between Law Enforcement and Corrections?

LEGAL ASPECTS IN THE CRIMINAL JUSTICE SYSTEM

I. Procedural Steps from Arrest to Trial

A. Appearance

1. Types of offenses

- a. Felonies - *any charge whereby a person may be sent to an institution.*
- b. Misdemeanors
 - (1) indictable *30-1yr - \$100-up -*
 - (2) non-indictable *30 d less \$100*

B. Bail

C. Preliminary hearing

D. Preliminary Information

E. Grand Jury or

F. County Attorney's Information - True Bill

G. Arraignment

H. Trial

I. Determination

1. Acquittal

2. Sentence

a. Probation

b. Institution

J. Appeal to Iowa Supreme Court

II. Tactics for Defense - - Trial Strategy

A. Multiple

B. Concentrated

C. Post Conviction

III. The Issue of Plea Bargaining

IV. Attorney/Client Relationship

A. Obligation to client - - obligation to see justice
obtained

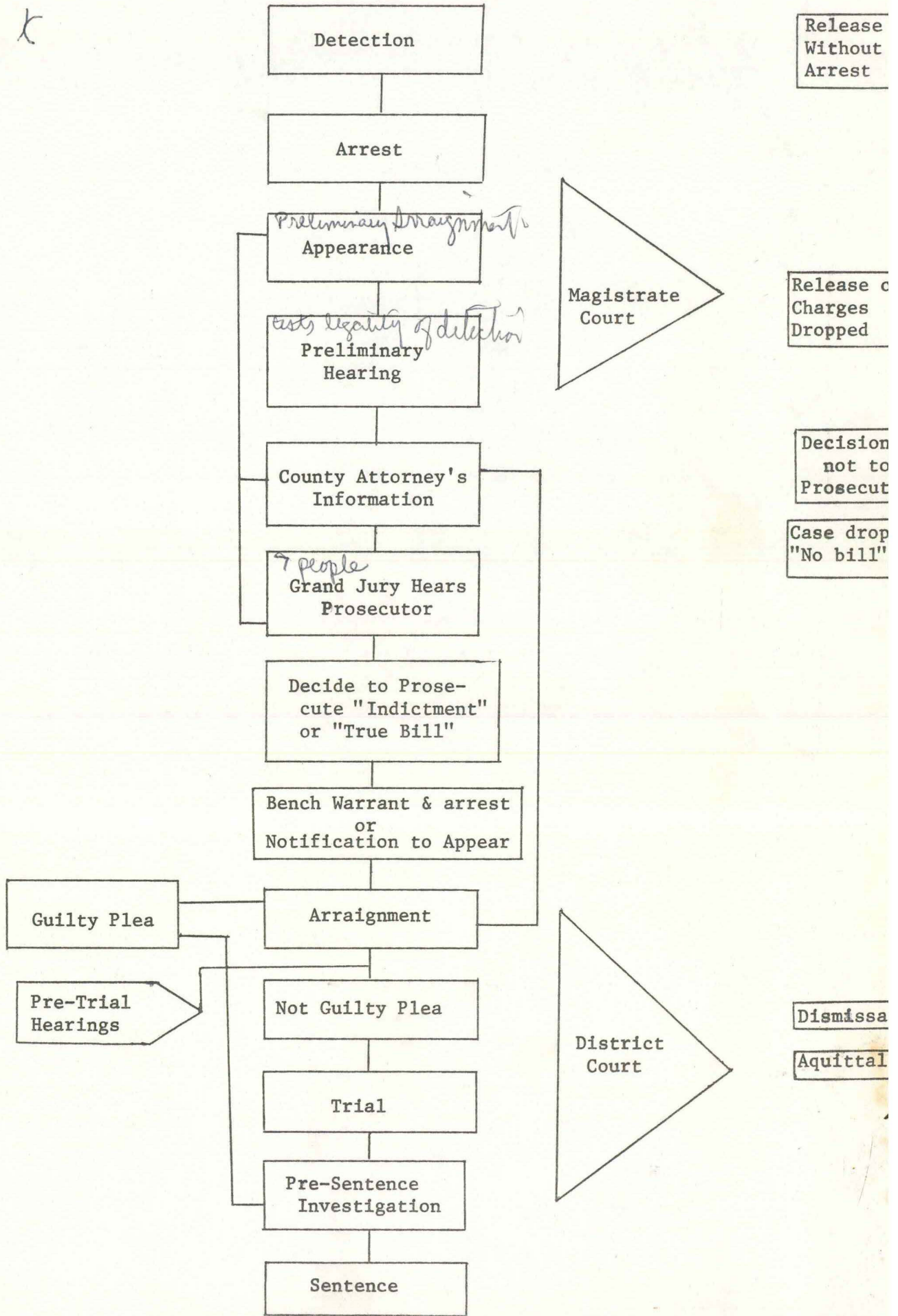
B. Personal relationship?

V. Rights Lost as Citizen by Person Convicted of Felony in:

A. Institution

B. Community

CRIMINAL CASE PROCESS



JUDICIAL DECISION MAKING

I. Basic Consideration in Court Process

A. Statutes of Crime (Code of Iowa)

789.4 - mandatory pre-sentence

B. Facts

1. Types of offenses
2. Circumstances
3. Jury or non-jury trial

C. Precedents

II. Sentencing Considerations

A. Institution or community probation

1. Length of sentence
2. Past record
3. Type of offense
4. Recommendations of probation officer, county or defense attorney and others

5. Attitude of community and defendant

III. Court Consideration in Revocation Proceedings

A. Necessity for hearing

B. Necessity evidentiary vs. no-evidentiary hearing

C. Opinion regarding technical violation or probation rules

IV. The Judicial Role in Social Change

V. Are Legislative Mandates that Require Sentence Specifying Terms of Years and Location (County Jail or Institution) Appropriate?

IV. How Could Greater Interaction Occur in the Sentencing Process Between Corrections and the Court?

COURT ORGANIZATION

I. Types of Judges

- A. Justices of the Supreme Court
- B. Judges of the District Court
- C. Associate Judges of the District Court
- D. Judges of the Magistrate Court

II. Magistrate Court

- A. Magistrates have the power to hear complaints or preliminary information, issue warrants, order arrests, require security to keep peace, make commitments and take bail as provided by law.
- B. Magistrate's court has jurisdiction in misdemeanor matters (non-indictable) along with the associate judges of the District Court.
- C. Magistrate courts are included in one of the eight judicial districts in Iowa.
- D. Is the Court of Record, that is, some method of recording used to register proceedings?
- E. Jury of six in both indictable and non-indictable misdemeanors.
- F. Appeal is to the District Court.

III. District Court

- A. Shall have general, original and exclusive jurisdiction of all actions, proceedings and remedies, both civil and criminal, except in cases when exclusive or concurrent jurisdiction is or may hereafter be conferred upon some other court or tribunal by the constitution and laws of the state, and shall have and exercise all the powers usually possessed and exercised by courts of record.
 - 1. Jurisdiction to try indictable offenses.
 - 2. Each county is included in one of the eight judicial districts in Iowa.

3. Court of Record
4. Jury of twelve in criminal cases.
5. Appeal to Supreme Court

IV. Supreme Court

- A. Nine Justices
- B. Serves as the appellate court
- C. Considers constitutionality of decisions made by lower courts under the rules of law.

COMMUNITY ALTERNATIVES TO INSTITUTIONALIZATION

I. Comprehensive Overview

A. Bureau of Community Correction Services

B. Programs in operation

1. Pre-Sentence Investigation services

2. Probation Services

3. Deferred sentencing

4. Probation from county jail

C. Future possibilities

1. Shock probation

2. Comprehensive community correction projects

II. Comprehensive Community Corrections Project

A. Development and goals

B. Methods and results - non-institution programs

1. Pre-trial release
2. Community corrections
3. Probation
4. Residential treatment

IOWA STATE PENITENTIARY

I. Purposes of Institution

II. Major Objectives

III. Methods Used to Reach
Objectives

IV. Positive and Negative
Aspects of Large Insti-
tution Management

WOMEN'S REFORMATORY

I. Purposes of Institution

II. Major Objectives

III. Methods Used to Reach
Objectives

IV. Positive and Negative
Aspects of Small Institu-
tion Management

RIVERVIEW RELEASE CENTER

MEN'S REFORMATORY

I. Purposes of Institution

I. Purposes of Institution

John S. Sidel

II. Major Objectives

II. Major Objectives

III. Methods Used to Reach Objectives

III. Methods Used to Reach Objectives

IV. Positive and Negative Aspects of Small Institution Management

IV. Positive and Negative Aspects of Large Institution Management

IOWA SECURITY MEDICAL FACILITY

*Hal
Lavin*

I. Purposes of Institution

II. Major Objectives

III. Methods Used to Reach Objectives

IV. Positive and Negative Aspects of Small Institution
Management



VI. Advantages to Corrections

VII. Sample Case

See
6016
Code of Iowa

IOWA CITIZENS' AIDE ACT

SIXTY-FOURTH GENERAL ASSEMBLY, SECOND SESSION
Effective July 1, 1972

Section 1. As used in this Act:

1. "Person" means an individual, aggregate of individuals, corporation, partnership, or unincorporated association.
2. "Agency" means all governmental entities, departments, boards, commissions, councils or institutions, and any officer, employee or member thereof acting or purporting to act in the exercise of his/her official duties, but it does not include:
 - A. Any court or judge or appurtenant judicial staff.
 - B. The members, committees, or permanent or temporary staffs of the Iowa general assembly.
 - C. The governor of Iowa or his personal staff.
 - D. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.
3. "Officer" means any officer of an agency.
4. "Employee" means any employee of an agency.
5. "Administrative action" means any policy or action taken by an agency or failure to act pursuant to law.

Section 2. The office of citizens' aide is established.

Section 3. The citizens' aide shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appointment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation. The citizens' aide shall employ and supervise all employees under his/her direction in such positions and at such salaries as shall be authorized by the legislative council.

Section 4. The citizens' aide shall be a citizen of the state of Iowa, and shall be qualified to analyze problems of law, administration and public policy.

Section 5. The citizens' aide shall hold office for four years from the first day in July of the year of his/her approval by the senate and the house of representatives, and until his/her successor is appointed by the legislative council, unless he/she can no longer perform his/her official duties, or is removed from office. The citizens' aide may at any time be removed from office by constitutional majority vote of the two houses of the general assembly or as provided by chapter sixty-six of the Code. If a vacancy occurs in the office of citizens' aide the deputy citizens' aide shall act as citizens' aide until the vacancy is filled by the legislative council.

Section 6. The citizens' aide shall designate one of the members of his staff as the deputy citizens' aide, with authority to act as citizens' aide when the citizens' aide is absent from the state or becomes disabled. The citizens' aide may delegate to members of his/her staff any of his/her authority or duties except the duty of formally making recommendations to agencies or reports to the Governor or the general assembly.

Section 7. Neither the citizens' aide nor any member of his/her staff shall:

1. Hold any other public office or trust or profit under the laws of this state.
2. Engage in any other employment for remuneration.
3. Knowingly engage in or maintain any business transactions with persons employed by agencies against whom complaints may be made under the provisions of this Act.
4. Be actively involved in partisan affairs.

Section 8. The citizens' aide may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before him, except that the general assembly, any standing committee of the general assembly or the Governor may require disclosure of any matter and shall have complete access to the records and files of the citizens' aide. The citizens' aide may conduct private hearings.

Section 9. The citizens' aide shall have the following powers:

1. He may investigate, on complaint or on his/her own motion, any administrative action of an agency, without regard to the finality of the administrative action, except that he shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency.
2. He/she may prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of this Act, he/she may determine the form, frequency, and distribution of his/her conclusions and recommendations.

3. He/she may request and shall be given by each agency such assistance and information as may be necessary in the performance of his/her duties. He/she may examine the records and documents of all agencies not specifically made confidential by law. He/she may enter and inspect premises within any agency's control.
4. He/she may issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence deemed relevant to a matter under his/her inquiry. The citizens' aide, his deputy and his assistants shall have the power to administer oaths to persons giving testimony before them. If a witness either fails or refuses to obey a subpoena issued by the citizens' aide, the citizens' aide may petition the district court having jurisdiction for an order directing obedience to the subpoena. In the event the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey such court order shall be subject to punishment for contempt.

Section 10. No monetary or other charge shall be levied upon any person as a pre-requisite to presentation of a complaint to the citizens' aide.

Section 11. An appropriate subject for investigation by the office of the citizens' aide is an administrative action that might be:

1. Contrary to law or regulation.
2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
3. Based on a mistake of law or arbitrary in ascertainties of fact.
4. Based on improper motivation or irrelevant consideration.
5. Unaccompanied by an adequate statement of reasons. The citizens' aide may also concern himself with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

Section 12. The citizens' aide may receive a complaint from any source concerning an administrative action. He/she shall conduct a suitable investigation into the administrative actions complained of unless he/she finds substantiating facts that:

1. The complainant has available to him/her another remedy or channel of complaint which he/she could reasonably be expected to use.
2. The grievance pertains to a matter outside the citizens' aide

3. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.
4. The complaint is trivial, frivolous, vexatious, or not made in good faith.
5. Other complaints are more worthy of attention.
6. The citizens' aide resources are insufficient for adequate investigation.
7. The complaint has been delayed too long to justify present examination of its merit.

The citizens' aide may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time.

Section 13. If the citizens' aide decides not to investigate, he shall within sixty days inform the complainant in writing of that decision and shall state his/her reasons. If the citizens' aide decides to investigate, he/she shall within sixty days notify the complainant in writing of his/her decision and he/she shall also notify the agency of his/her intention to investigate. After completing his/her consideration of a complaint, whether or not it has been investigated, the citizens' aide shall without delay inform the complainant of the fact, and when appropriate, the administrative agency or agencies involved. The citizens' aide shall on request of the complainant, and as appropriate, report the status of his/her investigation to the complainant.

Section 14. A letter to the citizens' aide from a person in a correctional institution, a hospital, or other institution under the control of an administrative agency shall be immediately forwarded, unopened to the citizens' aide by the institution where the writer of the letter is a resident. A letter from the citizens' aide to such a person shall be immediately delivered, unopened to the person.

Section 15. Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the citizens' aide shall consult with that agency, officer or employee, and shall attach to every report sent or made under the provisions of this Act a copy of any unedited comments made by or on behalf of the offender, employee, or agency.

Section 16. If, having considered a complaint and whatever material he deems pertinent, the citizens' aide finds substantiating facts that:

1. A matter should be further considered by the agency.
2. An administrative action should be modified or canceled.
3. A rule or regulation on which an administrative action is based should be altered.

4. Reasons should be given for an administrative action; or
5. Any other action should be taken by the agency, he shall state his recommendations to the agency.

If the citizens' aide requests, the agency shall, within twenty working days notify him of any action taken on his recommendation or the reasons for not complying with them.

If the citizens' aide believes that an administrative action has occurred because of laws whose results are unfair or otherwise objectionable, he shall notify the general assembly concerning desirable statutory change.

Section 17. The citizens' aide may publish his conclusions, recommendations, and suggestions and transmit them to the Governor, the general assembly or any of its committees. When publishing an opinion adverse to an administrative agency or official, he shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency. Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media, or others who may be concerned.

Section 18. In addition to whatever reports he may make from time to time, the citizens' aide shall by February fifteenth of each year report to the general assembly and to the Governor concerning the exercise of his functions during the preceding calendar year. In discussing matters with which he has been concerned, the citizens' aide need not identify specific persons or agencies if to do so would cause needless hardship. If the annual report criticizes named agencies or officials, it must also include unedited replies made by the agency or officials to the criticism, unless excused by the agency or official affected.

Section 19. If the citizens' aide believes that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the appropriate authorities.

Section 20. No civil action, except removal from office as provided in chapter sixty-six of the Code, or proceeding shall be commenced against the citizens' aide or any member of his staff for any act or omission performed pursuant to the provisions of this Act unless the act or omission is actuated by malice or is grossly negligent, nor shall the citizens' aide or any member of his staff be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provisions of this Act.

Section 21. A person required by the citizens' aide to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, pro-

vides oral or documentary information requested by the citizens' aide shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned.

Section 22. A person who willfully obstructs or hinders the lawful actions of the citizens' aide or his staff, or who willfully misleads or attempts to mislead the citizens' aide in his inquiries shall be subject to a fine of not more than one thousand dollars.

Section 23. There is appropriated from the general fund of the state for the office of the citizens' aide for the fiscal year beginning July 1, 1972 and ending June 30, 1973, the sum of fifty-two thousand (52,000) dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act.

Section 24. This Act shall be known and may be cited as the "Iowa Citizens' Aide Act".

DIFFERENT APPROACHES TO INDIVIDUALIZED TREATMENT

I. Psycho-Analytical

II. Behavior Modification

III. Reality Therapy

IV. Transactional Analysis T.A.

PROBLEM SOLVING

SITUATION #1

An inmate has been recommended for parole by an institution. He has served only 3 years on a 75 year sentence for murder. During incarceration, he has been an exemplary client. Would you grant him a parole? *yes*

SITUATION #2

A woman on parole for 10 months has technically violated her parole on several occasions for failure to keep a job, drinking and failure to report adequately to her parole officer. She has asked for "one more chance". Since on parole, she has not acted responsibly but has been given numerous breaks. A week ago, she gave birth to her first child and now claims she can change her behavior. Should her parole be continued? *yes*

SITUATION #3

Anamosa has 20% Black inmate population and Ft. Madison a 16% Black inmate population. It has been suggested that the same ratio be applied to staff of the respective institutions. Should the staff ratio be the same as that of the inmate ratio? If so, how would you go about implementing this and why? If not, why? *no*

SITUATION #4

A 32 year old first offender was paroled 6 months ago after serving 5½ years on a 25 year sentence for Robb.w/Agg. Since he was paroled, he has held three different jobs and has been arrested 5 times for intoxication. Would available programs at the institution be of more assistance in a treatment program than would continuation on parole under a more rigid and defined type of community treatment program? *no*

WORKING INSIDE

POST-INSTITUTIONAL PLANNING

I. Services Presently Available When Person Leaves an Institution

A. Work Release

B. Furlough

C. Parole

II. Work Release

A. Person classified as inmate

B. Supervised by community services

C. Halfway houses and how they are operated

1. Examples

D. Financial arrangements and what parole officer's role is in the dispersion of funds obtained while on work release

III. Furlough

A. Person classified as inmate

B. Used for job interviews, religious activities, panels, family emergencies, structured community activities, training programs not available at the institution, etc.

IV. Parole

A. Pre-parole planning

1. Outline procedural steps in moving client from inmate to parole status
 - a. Case assignment by supervisor to agent
 - b. Investigation - adequate home living arrangements, etc.
 - (1) adequate home living arrangement, etc.
 - (2) employment
 - (3) special problems
 - (a) AA, mental health, debts, infidelity of wife, etc.
 - c. Sign parole agreement

B. Treatment and Supervision

1. Officer's role as "counselor"
2. Officer's role as "policeman"

C. Use of community resources

1. Officer as community resource
2. Other resources - social services, etc.
3. Coordination

D. Alternative violations

1. Minor

2. Technical

3. Major

E. Discharge recommendations

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(Revised and adopted November 19, 1974)

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STATE OF IOWA

ROBERT D. RAY, GOVERNOR

* * * * *

BOARD OF PAROLE

Sixth Floor

Lucas State Office Building

Des Moines, Iowa 50319

Phone (515) 281-3308

JACK H. BEDELL, Chairman

SILAS S. EWING, Member

L. D. CARSTENSEN, Member

DONALD L. OLSON, Executive Secretary

IOWA BOARD OF PAROLE RULES

CHAPTER 1

ORGANIZATION

1.1 (1) DESCRIPTION. The Iowa Board of Parole is a statutory state agency created by Chapter 247, Iowa Code. The Board consists of three members who serve six year terms. The members are appointed by the Governor with confirmation by the Senate. The Board of Parole has authority to grant and revoke paroles to persons sentenced to state correctional institutions for less than life terms.

1.1 (2) INFORMATION AND COMMUNICATION. The public may obtain information or make submissions or requests to: Iowa Board of Parole, Sixth Floor, Lucas State Office Building, Des Moines, Iowa 50319. Communications by the public to the Board of Parole concerning inmates or parolees shall be in writing. Oral presentations regarding inmates or parolees will be heard only with the consent of the Board. Communications concerning individual inmates and parolees will be placed in that person's file and noted on the dockets of the members of the Board. If communications adverse to the inmate or parolee are considered in making a parole decision the inmate or parolee shall be so informed.

1.2 MEMBERS AND STAFF.

1.2 (1) CHAIRMAN. The chairman of the Board of Parole shall be the member of the Board whose term first expires. The chairman shall preside at meetings and shall be the spokesman for the Board. The chairman shall sign instruments in behalf of the Board, and in the absence of the chairman any member may sign instruments in behalf of the Board. The chairman, or the Board, may authorize the Executive Secretary to sign instruments in behalf of the Board.

1.2 (2) EXECUTIVE SECRETARY. The Board of Parole shall appoint an Executive Secretary who shall serve at the pleasure of the Board. The Executive Secretary shall administer the policies and decisions of the Board and shall supervise all other employees of the Board, and may serve as a Hearing Officer at Preliminary Parole Revocation Hearings.

1.2 (3) LIAISON OFFICERS. The Board of Parole shall appoint not less than two persons as Liaison Officers. The Liaison Officers shall serve as liaison personnel between the Board, inmates, and staff at the state's penal and correctional facilities, and shall serve as Hearing Officers at Preliminary Parole Revocation Hearings as directed by the Board or by the Executive Secretary, and shall hear inmate grievances regarding parole, and shall perform such other duties as are designated by the Board or the Executive Secretary.

1.2 (4) CLERICAL STAFF. The Board of Parole shall appoint a clerical staff sufficient to carry on the necessary duties of the Board.

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CHAPTER 2

MEETINGS

2.1 MEETINGS AND AGENDA.

2.1 (1) MEETINGS CALLED. Meetings of the Board of Parole may be called by the chairman, or by any two members of the Board. The Executive Secretary shall notify members of the time and place of meetings not less than three days prior to the meeting.

2.1 (2) QUORUM. Two members shall constitute a quorum of the Board of Parole. Meetings of the Board shall be set to facilitate the presence of all members.

2.1 (3) POLLING MEMBERS. Any member of the Board, or the Executive Secretary may poll the members by mail or telephone on issues requiring immediate decision.

2.1 (4) MAJORITY VOTE. All parole granting and parole revoking decision shall require the vote of at least two members of the Board of Parole.

2.1 (5) MONTHLY MEETINGS. The Board of Parole shall meet at least once each month at the Board office at Des Moines, or at such other place designated by the Board. At such meeting the Board shall review inmate progress reports and the recommendations made for and against parole by the wardens and staffs of the state correctional institutions, and the Board shall consider any other matters needful of discussion or decision.

a. The progress reports and institution staff parole recommendations for inmates attached to the State Penitentiary shall be reviewed at the monthly meeting during the Months of January, March, May, July, September, and November.

b. The progress reports and institution staff parole recommendations for inmates attached to the Men's Reformatory, Riverview Release Center, and Iowa Security Medical Facility shall be reviewed at the monthly meeting during the Months of February, April, June, August, October, and December.

c. The progress reports and institution staff parole recommendations for inmates attached to the Women's Reformatory shall be reviewed at the monthly Board meeting during the Months of March, July, and November. Such reports may also be reviewed on request of the institution staff at any monthly Board meeting.

2.1 (6) BOARD DECISIONS AT MONTHLY MEETINGS. Upon reviewing an inmate's progress report and the institution staff parole recommendation, the Board shall either deny parole or order that the inmate be granted a parole interview before the Board.

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CHAPTER 2

a. If the Board denies parole such decision, including the reasons therefore, shall be communicated in writing to the inmate.

b. If the Board grants a parole interview, the inmate shall be advised in writing of that decision.

2.1 (7) BOARD MEETINGS AT INSTITUTIONS. Subsequent to the monthly meeting the Board shall meet at the institutions whose progress reports were reviewed at the monthly meeting, at which time those inmates called for parole interview will be interviewed and parole decisions made. Meetings at the Women's Reformatory shall be held subsequent to the monthly meetings held at Des Moines during the Months of March, July, and November.

2.1 (8) NOTICE OF MEETINGS TO PUBLIC. The Executive Secretary shall cause notice to be given to the public of all meetings of the Board of Parole in compliance with Section 28A.4, Code of Iowa.

CHAPTER 3

PROGRESS REPORTS AND INMATE INTERVIEWS

3.1 (1) DOCKET AND ADMISSION SUMMARY. Upon completion of orientation and classification an Admission Summary report on each inmate shall be prepared in triplicate by the institution staff and delivered to the Board of Parole. It is recommended that unless precluded by circumstances the report should be made within three months after the inmate is received. A docket is then prepared by the Board's staff.

3.1 (2) PROVISIONS OF DOCKET AND ADMISSION SUMMARY. The docket and Admission Summary shall contain, but not be limited by, the following information:

- (a) Name, birth date or age, and institution number;
- (b) Crime for which presently incarcerated including Code section;
- (c) Sentence for present incarceration, and whether sentence has been appealed, and outcome of appeal if completed;
- (d) Date of sentence;
- (e) Sentencing judge;
- (f) Sentencing county;

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CHAPTER 3

- (g) County Attorney;
- (h) Date received by the institution;
- (i) Expiration of sentence after crediting "good time" and "honor time";
- (j) Previous incarcerations by sentence;
- (k) Previous arrest and conviction record;
- (l) Circumstances of crime for which incarcerated, both official version and inmate's version; if the official version is incomplete state the reasons;
- (m) Record of escapes including the circumstances thereof;
- (n) Previous work release, court probation and parole record; if the present incarceration is on revocation of court probation so state and give reasons for the revocation;
- (o) Family obligations and involvement, including marital status and probable stability of marriage;
- (p) Physical health;
- (q) Admitted or suspected involvement or problem with alcohol or drugs;
- (r) Pertinent comments of judge, county attorney, peace officers, defense attorneys, presentence examiners, parole or probation officers, etc.;
- (s) Previous vocational experience and skills, and previous educational accomplishments;
- (t) Staff plans and recommendations for vocational and academic training and for treatment, and inmate response thereto;
- (u) Psychological and psychiatric reports, if available, which reports should be marked "confidential" and written on sheets which do not contain other portions of the report;
- (v) Detainers, give exact nature thereof;
- (w) Recommendations for parole or for work release may be given, but are not required in the initial report.

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3.2 (1) PRIMARY INTERVIEW OF INMATE. After receiving the docket and initial staff report by the Board, the inmate shall be interviewed by a member of the Board of Parole, or its designee, which designee may be the Executive Secretary or a Liaison Officer of the Board. Said interview shall be known as the primary interview. Such interview need not be held if the inmate refuses or if the inmate is in disciplinary quarters. At the conclusion of the primary interview, the interviewer may bring the matter to the attention of the members of the Board of Parole, and parole may be granted at that time if appropriate. The interviewer upon conclusion of the primary interview shall dictate a summary of the interview which shall be included on the dockets of the members. The interviewer may, by docket entry, require that an institution staff report be submitted at a time certain.

3.3 SUBSEQUENT PROGRESS REPORTS AND PAROLE RECOMMENDATIONS.

3.3 (1) STAFF INITIATED PROGRESS REPORTS. Progress reports and parole recommendations initiated by the institution staff or a Board of Parole Liaison Officer may be presented to the Board at any time.

3.3 (2) BOARD REQUESTED PROGRESS REPORTS. Progress reports shall be submitted by the institution staff or the Board Liaison Officer as required by the interviewer making the primary interview, or as required by the Board of Parole.

3.3 (3) ANNUAL PROGRESS REPORTS. Except as otherwise provided, progress reports and parole recommendations shall be submitted by the institution staff to the Board of Parole at least once every twelve (12) months.

3.3 (4) PROGRESS REPORTS AND BOARD INTERVIEWS FOR INMATES SERVING LIFE SENTENCE. Annual reports need not be submitted to the Board of Parole for inmates serving life sentences. Progress reports for inmates serving life sentence shall be submitted in accordance with Section 247.5, Iowa Code, and the Board shall interview such inmates in accordance with said Code provision.

3.3 (5) PROGRESS REPORTS ON INMATES ON PATIENT STATUS. No progress report is required on inmates who are on patient status at Iowa Security Medical Facility.

3.4 (1) PROGRESS REPORT PROVISIONS. Progress reports made subsequent to the initial report shall contain but not be limited by, the information required by Section 3.1 (2) of these rules, and shall also include the following:

- (a) The date and purpose and duration of all furloughs granted, and comment on behavior while on furlough;
- (b) Work release record, including when work actually began, and behavior while on work release;

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Chapter 3

- (c) Vocational and educational training accomplishments;
- (d) Change in family or marital status;
- (e) Institutional adjustment, including any disciplinary actions or reports;
- (f) The recommendation for or against parole by the inmate's counselor;
- (g) The recommendation for or against parole by the pre-parole committee of the institution staff;
- (h) If the progress report recommends parole to a detainer full information concerning the detainer should be given;
- (i) The inmate's parole plan, including provisions for housing and for employment or maintenance;
- (j) The parole plan should be third to the last item of the progress report;

The counselor's recommendation should be the second to the last item of the progress report;

The pre-parole committee's recommendation should be the last item of the progress report.

3.5 (1) PAROLE HEARING. Paroles shall be granted only upon interview of the inmate by the Board, unless circumstances dictate otherwise, in which event paroles will be granted without interview, and the reasons therefor shall be included in the decision of the Board. If parole is denied upon conclusion of the parole interview, such shall be communicated to the inmate and reasons stated therefor.

3.6 (1) HEARING BEFORE PAROLE DECISION. Any institution staff report to the Board of Parole which contains a recommendation against parole shall not be transmitted to the Board of Parole until the nature of the recommendation is disclosed to the inmate involved, and the inmate may in writing request and shall be granted a hearing before a Board of Parole Liaison Officer. At said hearing, the inmate shall have the right to speak in his own behalf and the right to bring letters documents or individuals who can give relevant information in his behalf Thereupon the report of the Liaison Officer, along with the staff report shall be transmitted to the Board of Parole.

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3.6 (2) COUNSEL. Inmates shall have a right to counsel, not necessarily an attorney at law, at all hearings and interviews before the Board of Parole or before a Liaison Officer of the Board, at no expense to the state, except that the right to counsel in parole revocation proceedings shall be governed by Chapter 8 of these rules.

CHAPTER 4

PAROLE ELIGIBILITY AND CRITERIA

4.1 (1) PAROLE ELIGIBILITY. All inmates sentenced to state correctional institutions, except those serving life sentences or otherwise precluded by law, are eligible for parole. As provided by Section 247.8, Iowa Code, no person shall be released on parole until the Board of Parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance. Confirmed employment or arrangements for maintenance is not required at the time of granting parole, but such is required before the inmate is released on parole. As provided by Section 247.5, Iowa Code, at the time of parole the inmate must be free from venereal disease in communicable stage.

4.2 PAROLE CRITERIA.

4.2 (1) STAFF RECOMMENDATIONS. Paroles will usually be granted only if there is an affirmative parole recommendation by at least one of the following: the inmate's counselor, the institution pre-parole committee, or the Board of Parole Liaison Officer. If all of said parole recommendations are negative, parole will usually not be granted, unless there are extenuating circumstances.

4.2 (2) OTHER FACTORS IN PAROLE DECISION. A parole shall be ordered only for the best interest of society, not as an award of clemency. The Board of Parole shall release on parole any person whom it has the power to so release, when in its opinion there is reasonable probability that such person can be released without detriment to the community or to himself. A person's release is not a detriment to the community or himself when he is able and willing to fulfill the obligations of a law-abiding citizen, as the Board shall determine.

Length of sentence shall not normally be considered in determining parole. The nature of the offense, previous offenses, recidivism record and general attitude will be considered regardless of length of sentence. Convictions or behavior indicating a propensity for violence will indicate need for caution in granting parole. Whenever it appears necessary for the safety of the public or for the success of parole, the Board shall require a complete workup which shall include psychiatric and psychological evaluations, before granting parole to persons whose record indicates a propensity for violence. Sincere participation

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CHAPTER 4

in recommended institution programs, including academic and vocational training, and counseling, and freedom from misconduct in the institution, shall be considered favorably in making the parole decision. Negative relation to such factors by the inmate shall be negatively considered in making the parole decision. In making the parole decision the following factors shall also be considered: family responsibilities -- marital stability -- attitude and sincere change of attitude -- social readjustment -- record on court probation, parole, and work release. If the inmate has a history of drug or alcohol abuse, ability to cope with such problems will be considered. The formulation of a realistic parole plan by the inmate is an important factor in making the parole decision. When appropriate, restitution or plans for restitution to the victims of the crime will be considered.

4.2 (3) ESCAPE. Normally, parole will not be granted for a period of at least twelve months following the return of an inmate from escape, unless extenuating circumstances dictate otherwise.

4.2 (4) PAROLE AFTER PAROLE REVOCATION. Normally, an inmate whose parole has been revoked will not be considered for another parole for at least twelve months, and if parole is revoked for circumstances which indicate propensity for violence, great caution will be exercised in granting parole.

4.2 (5) PAROLE WHILE ON PATIENT STATUS. Usually, inmates on patient status at Iowa Security Medical Facility will not be granted parole until removed from patient status. When appropriate parole may be granted to an inmate on patient status if it is reasonably anticipated that the inmate will be removed from patient status prior to effecting of parole. When appropriate, an inmate on patient status may be paroled to another appropriate institution.

CHAPTER 5

PAROLES TO DETAINERS AND OUT-OF-STATE PAROLES

5.1 (1) PAROLES TO DETAINERS. When a detainer is placed against an inmate by another state, the Board of Parole may at any time parole the inmate to the detainer with the inmate's consent. Normally, parole to detainer will not be granted if the inmate has not been convicted and the detainer is solely for prosecution, unless the inmate has met the requirements for regular parole.

5.2 (1) PAROLES TO OTHER STATES. Paroles to other states will be made only through the Interstate Compact for supervision of parolees and probationers and, normally, both living conditions and employment must be confirmed. No out-of-state parole shall be granted unless the other state accepts supervision of the parolee under the provisions of the Interstate Compact.

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CHAPTER 6

PAROLE SUPERVISION AND CONDITIONS

6.1 (1) PAROLE SUPERVISION. Parole is supervised by the department of social services.

6.2 (1) PAROLE AGREEMENT. Parole shall not commence until the inmate has signed a parole agreement with a parole officer of the department of social services. If the inmate is on work release at the time parole is granted, he shall remain on work release until the parole agreement is signed.

6.3 (1) CONDITIONS OF PAROLE AGREEMENT. The parole agreement shall contain such conditions as set by the department of social services and the parole officer, and shall also contain such special conditions as are set by the Board of Parole at the time of granting the parole, and as deemed necessary by the parole officer.

6.4 (1) REPORTS TO BOARD. The parole officer may at any time report violations of parole conditions to the Board of Parole; and shall within five (5) working days report in writing to the Board of Parole any of the following violations: (a) Conviction of a public offense; (b) Willful and continued failure to maintain employment; (c) Violation of any special condition of parole set by the Board of Parole; (d) Abuse of alcohol or drugs; (e) Absconding from parole supervision; (f) Violent behavior. When reporting such matters the parole officer may give his opinion as to whether revocation of parole is appropriate.

CHAPTER 7

WORK RELEASE

7.1 WORK RELEASE

7.1 (1) AUTHORITY. Work release is granted as appropriate by the work release committee as provided in Chapter 247A, Iowa Code.

7.1 (2) WORK RELEASE COMMITTEE. Pursuant to Chapter 247A.3, Iowa Code, the Board of Parole designates its Executive Secretary as voting member of the work release committee. When the Executive Secretary is uncertain as to how the vote should be cast, he shall confer with the Board of Parole. When the inmate has a propensity for violence, the Executive Secretary shall exercise great caution in voting for work release. If the Executive Secretary anticipates that granting of parole within six months is unlikely, he shall confer with the Board of Parole before voting affirmatively for work release.

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7.1 (3) WORK RELEASE PRIOR TO DISCHARGE. It is the policy of the Board of Parole to favor work release for inmates who are within six months of final discharge on their sentence.

CHAPTER 8

TERMINATION AND REVOCATION OF PAROLE

8.1 TERMINATION AND REVOCATION OF PAROLE

8.1 (1) TERMINATION OF PAROLE ORDER. The Board of Parole may terminate, without hearing, any parole granted by it at any time prior to the parole agreement being effected. The reasons for such termination shall be communicated by the Board to the inmate in writing.

8.1 (2) REVOCATION OF PAROLE. The Board of Parole may for good cause shown revoke any parole granted by it. Good cause for revocation of parole shall include, but not be limited by, the following reasons:

- (a) The parolee has violated a condition or conditions of his parole agreement;
- (b) The parolee has absconded from parole supervision;
- (c) The parolee has failed to cooperate with his parole officer;
- (d) The parolee has failed to maintain suitable employment;
- (e) The parolee has been convicted of a public offense;
- (f) The parolee has committed a public offense;
- (g) The parolee's behavior indicates that he is a danger to himself, other persons or the public;
- (h) The parolee has given false or misleading information in obtaining his parole.

8.2 (1) REVOCATION INITIATED. Parole revocation procedures may be initiated by the Board of Parole, or by parole officers of the department of social services.

8.2 (2) PAROLEE PLACED IN CUSTODY. Parole officers may take parolees under their supervision into custody and detain them in public jails or correctional institutions of this state pending investigation of cause for parole revocation.

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CHAPTER 8

8.2 (3) REPORT OF AND RECOMMENDATION FOR REVOCATION. When a parolee is detained under 8.2 (2) and investigation shows that there is evidence that probable cause for revocation exists, the parole officer shall within five (5) working days of detention, make recommendation to the Board of Parole regarding revocation of parole. Recommendation regarding revocation of parole shall state whether or not the parolee is being detained, and shall state the reasons why recommendation is being made, and state the evidence and witnesses relied upon in making the recommendation. Four (4) copies of the recommendation shall be filed with the Executive Secretary of the Board of Parole. Whereupon the Executive Secretary may issue a warrant for the detention of the parolee, or order his release.

8.3 (1) WAIVER OF PRELIMINARY PAROLE REVOCATION HEARING AND WAIVER OF FINAL PAROLE REVOCATION HEARING. When the parole officer makes application to the Board for revocation of parole, the parole officer shall afford the parolee an opportunity to waive the preliminary parole revocation hearing and the final parole revocation hearing. If the parolee wishes to waive the preliminary parole revocation hearing, he must also waive the final parole revocation hearing. If the parolee desires to waive said hearings such waiver shall be effected by signing form IBP-R5. The waiver must be signed in the presence of a parole officer, or an officer of the Board of Parole. The parole officer shall explain the rights contained in the waiver and the significance thereof, and shall be satisfied that the parolee understands same. If this waiver is effected, it shall be forwarded forthwith to the Executive Secretary of the Board of Parole who shall issue written order for the return of the parolee to the Institution from which he was paroled. Thereupon, the Board of Parole will review the recommendation for revocation of parole, and the waiver of the parolee, and enter its order regarding revocation of parole accordingly. The Board may on its own motion interview the parolee prior to entering the final order.

8.4 PRELIMINARY PAROLE REVOCATION HEARING.

8.4 (1) INFORMATION TO BOARD. If the parolee does not waive the preliminary and final revocation hearings, then the parole officer shall so inform the Executive Secretary of the Board. If the parolee has made request for appointed counsel, the parole officer shall so inform the Executive Secretary. The parole officer shall also inform the Executive Secretary of any witnesses he or the parolee wish to call at the preliminary hearing, and should facilitate their appearance.

8.4 (2) HEARING SET AND NOTICE GIVEN. The Executive Secretary shall set the time and place of the preliminary parole revocation hearing, and designate the hearing officer. The Executive Secretary shall prepare a notice of the hearing which shall be served on the parolee not less than three (3) days prior to the hearing, unless time is waived. The notice may be served by any peace officer, any parole

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CHAPTER 8

officer or any officer of the Board of Parole. The notice shall include a statement of the alleged violations of conditions of parole, and shall be effected on form IBP-R2.

8.5 (1) HEARING. The preliminary parole revocation hearing shall be conducted substantially in the following manner:

8.5 (2) TESTIMONY UNDER OATH. All testimony taken shall be under oath.

8.5 (3) HEARING RECORDED. The preliminary parole revocation hearing shall be recorded by mechanized means. The same shall be transcribed at the request of the parolee, at his expense. The recording or transcription thereof shall be filed with and maintained by the Board of Parole for at least five (5) years from the date of final decision.

8.5 (4) FINDING OF NOTICE. The hearing officer shall ascertain whether the parolee has received proper notice, and shall make a record thereof.

8.5 (5) RECORD OF PARTIES AND WITNESSES. The hearing officer shall make a record of the names, addresses, official titles and capacities of those present at the hearing.

8.5 (6) WITNESSES SEGREGATED. On request of the parolee, or his counsel, or on the hearing officer's own motion, witnesses may be segregated, except that the parole officer and the parolee shall at all times be present at the hearing.

8.5 (7) PAROLEE'S RIGHTS. The hearing officer shall inform the parolee that he has the following rights, and shall be satisfied that the parolee understands same:

- (a) That the parolee has the right to speak in his own behalf, and that he has the right to be heard and show that he did not violate the conditions of his parole, or that there exist circumstances in mitigation which suggest that the violation does not warrant revocation of parole.
- (b) That the parolee has the right to bring letters, documents or individuals who could give relevant information to the hearing officer in his behalf.
- (c) That the parolee has the right to request that persons who have given adverse information on which parole revocation might be based be made available for questioning in his presence, and be cross-examined, unless the

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8.5 (9) ALLEGATIONS OF VIOLATION. The hearing officer shall confront the parolee with the specific allegations of parole violations. The parolee shall be given opportunity to admit, deny or explain the allegations.

8.5 (10) EVIDENCE OF VIOLATION. The hearing officer shall hear the testimony of the parole officer and other witnesses supportive of the allegations of parole violation, and shall consider documents and instruments supportive of the allegations of parole violation. The parolee, or his counsel, shall be allowed to cross-examine. If there are other witnesses whose statements are relied upon in determination of probable cause for revocation, and such witnesses are not present, the parolee, or his counsel, may request the presence of such witnesses, and the hearing officer shall facilitate their presence, unless he determines that such person or persons would be subjected to risk or harm if his or her identity were disclosed.

8.5 (11) EVIDENCE FOR PAROLEE. The hearing officer shall provide opportunity for the presentation of evidence and testimony of the parolee and other witnesses in his behalf to show that parolee did not violate the conditions of parole, or to show that there exist circumstances in mitigation which suggest that the violation does not warrant revocation of parole.

8.5 (12) PROBABLE CAUSE. The hearing officer shall upon the conclusion of the evidence find whether or not probable cause exists to believe that the parolee has violated the conditions of his parole. (a) If the hearing officer finds that probable cause does not exist, he shall order that the parolee be released from custody and continued on parole. (b) If the hearing officer finds that probable cause does exist, he may order that the parolee be kept in custody at the state corrections institution from which he was paroled pending the final decision of the Board of Parole regarding the revocation of parole. (c) If the hearing officer finds that probable cause does exist, but also finds that there exist circumstances which suggest that the violation does not warrant revocation of parole, he may order that the parolee be kept in custody at the state corrections institution from which he was paroled pending the final decision of the Board of Parole, or he may order that the parolee continue on parole pending the final decision of the Board of Parole.

8.5 (13) PAROLEES CONVICTED OF NEW OFFENSE. Parolees who are sent to corrections institutions by order of court by reason of new sentence need not be afforded preliminary parole revocation hearing prior to being returned to the institution.

8.6 FINAL PAROLE REVOCATION HEARING.

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8.6 (1) HEARING. Persons who are sent to a corrections institution by order of court by reason of a new sentence, and persons who have been returned to a corrections institution by order of a Board Hearing Officer, shall be afforded a final parole revocation hearing before the Board of Parole at the time when the Board next meets at the Institution where the person is incarcerated.

8.6 (2) WAIVER. Persons to whom final parole revocation hearing is afforded may waive same by signing form IBP-R7.

8.6 (3) NOTICE: Notice of final parole revocation hearing shall be prepared and signed by the Executive Secretary and shall include the time and place of hearing, a statement of the grounds for revocation of parole if no preliminary hearing has been held, and a copy of the hearing officer's report and findings if preliminary parole revocation has been held. The notice shall be served upon the parolee not less than three (3) days prior to the hearing, unless time is waived. The notice shall be effected by use of form IBP-R3.

8.6 (4) EVIDENCE CONSIDERED AT HEARING. As a general rule, on final hearing questions of fact will be determined by the Board of Parole based on the summary of testimony contained in the report and findings of the hearing officer on preliminary hearing. The inmate shall have the right to speak in his own behalf, and has the right to be heard and show that he did not violate the conditions of his parole or that there exist circumstances in mitigation which suggest the violation does not warrant revocation of parole. Also the parolee shall have the right to bring letters, documents or individuals who could give relevant information to the Board in his behalf. Also the inmate shall have the same rights to counsel as are afforded in regard to preliminary parole revocation hearings.

8.6 (5) DECISION. At the conclusion of the hearing, the Board of Parole shall announce its decision to revoke or not to revoke the parole and shall announce same along with reasons therefor to the parolee. A summary of the hearing and decision shall be dictated and transcribed onto the dockets of the members.

8.6 (6) OATH AND RECORD. The provisions of Sections 8.5 (2) and 8.5 (3) are applicable to final parole revocation hearings.

CHAPTER 9

DISCHARGE FROM PAROLE

9.1 DISCHARGE FROM PAROLE

9.1 (1) APPLICATION FOR DISCHARGE. Application for discharge from parole may be made at any time by the parolee, or by the parole officer

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CHAPTER 9

supervising the parolee. Normally, discharge from parole will not be granted unless recommended by the parole officer supervising the parolee

9.1 (2) PROVISIONS OF APPLICATION. The application for discharge from parole shall include, but not be limited by, the following:

(a) Parolee's attitude and adjustment to parole supervision; (b) Public offenses committed by the parolee while on parole; (c) Violation of a parole condition, including parole conditions set by the Board of Parole; (d) Abuse of alcohol or drugs while on parole; (e) Restitution accomplished by the parolee when appropriate; (f) The reasons why discharge is appropriate.

9.1 (3) GRANTING DISCHARGE. Discharges from parole shall be made at the regular monthly meeting of the Board of Parole. At such meeting the Executive Secretary shall present a summary of all pending applications for discharge from parole. When the Board of Parole decides to grant a discharge from parole, the Executive Secretary shall sign and effect the discharge.

9.1 (4) APPEALS. When the Board of Parole refuses to grant a discharge from parole, appeal may be made to the Executive Secretary in the manner provided for appeals in Chapter 10 of these rules. The Executive Secretary may act as hearing officer or assign a Liaison Officer to act as hearing officer.

CHAPTER 10

APPEALS FROM BOARD DECISIONS

10.1 (1) APPEALS. Each inmate who is denied a parole, or who is aggrieved by any other decision of the Board of Parole, may appeal such decision in the following manner: The inmate may make written application for appeal hearing to a Liaison Officer of the Board of Parole, which hearing shall be promptly held before a Liaison Officer. At the hearing the inmate may present such evidence and make such arguments as he deems appropriate. Within ten (10) working days after such hearing, the Liaison Officer shall in writing report to the Board of Parole, which report shall include, but not be limited by, the following:

- (a) A summary of the evidence and arguments presented by the inmate;
- (b) A recommendation for or against parole, and the reasons therefor;
- (c) A recommendation for or against granting the inmate a parole interview before the Board of Parole, and the reasons therefor.

IOWA BOARD OF PAROLE RULES

CHAPTER 10

The Board of Parole shall review the Liaison Officer's report and shall thereupon affirm its previous decision to deny parole, or shall grant the inmate a parole interview. The decision of the Board and the reasons therefor shall be communicated in writing by the Board to the inmate.

ANOTHER PERSPECTIVE

FUTURE OF CORRECTIONS

THE IOWA WORKMEN'S COMPENSATION ACT
(As Revised July 1, 1973)

This brief summary of the Iowa Workmen's Compensation Act has been prepared by the Office of the Iowa Industrial Commissioner as an aid to employees, employers and insurance companies.

The Workmen's Compensation Act requires an employer or its insurance carrier to furnish medical and hospital services to employees sustaining personal injuries or occupational diseases arising out of and in the course of the employment, and to pay them, or their dependents in case of death, weekly compensation for disability.

After January 1, 1974, the Act is applicable to agricultural workers if at the time of injury such worker is employed by an employer (a) whose total cash payments to one or more such persons amounted to \$2,500 during the preceding calendar year, or (b) who employs at least one person regularly.

The Act is also applicable after July 1, 1974, to casual employees if such employees earn \$200 or more in any calendar quarter from such employer for whom employed at the time of the injury and to employees engaged around a private dwelling if (a) such employee earns \$200 or more in any calendar quarter from such employer for whom employed at the time of the injury, and (b) provided such employee is not a regular member of the household.

Until the respective coverage dates, persons engaged in agriculture or employing employees around a private dwelling or casual workers may elect to provide workmen's compensation benefits to their employees.

The employee who is injured should promptly notify the employer or a person in charge of such injury. The employer should at once refer the worker to a competent doctor.

The employer should then make a report to his insurance company. If the employee's disability extends beyond seven days, the employer must file the report with the Industrial Commissioner, State Capitol Complex, East 6th and Des Moines Streets, Des Moines, Iowa 50319.

A supply of blank forms for these reports, as well as others, may be obtained from the Commissioner. Medical reports are secured from the physicians by the insurance company or employer.

The employer must also report to the State Bureau of Labor at Des Moines, Iowa, when such accident results in either death of the employee or such bodily injury as will or probably may prevent him from returning to work within two days thereafter.

Medical and Hospital Benefits:

The employer is required to furnish medical, surgical, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, hospital services and supplies, crutches, and one set of prosthetic devices. The total for these services is unlimited. The choice of medical attendant and hospital is in the first instance with the employer, and the injured employee cannot recover for unauthorized medical and hospital services except in the case of emergency. If the employee has reason to be dissatisfied with the care offered, he may request the employer to provide him with another doctor, or hospital, or the choice of a number of doctors; or he may request that the Commissioner order other care.

Compensation:

Compensation benefits are payable each week beginning on the 15th day after the injury. Payments may be made directly to an injured minor employee. Only injured employees of the State of Iowa are paid benefits through the Office of the Industrial Commissioner; all other employees by the employer or insurance carrier.

Temporary Disability:

No compensation is payable during the first week of incapacity. If the employee is disabled longer than the 4th, 5th, or 6th week, an additional 1/3 week is allowed on each of these weeks respectively. Temporary disability compensation is paid during the period of disability.

Death:

If injury causes death, compensation is payable to the widow or widower or dependents as follows: (a) to widow or widower for life or until remarriage, provided that upon remarriage two years' benefits shall be paid to the widow or widower in a lump sum if there are no children entitled to the benefits; (b) to a child under age 18 and to age 25 if actually dependent; (c) to any child physically or mentally incapacitated from earning for duration of incapacity from earning; and (d) to all other dependents for duration of incapacity from earning as defined in the Act. If the employee leaves no widow or widower or dependents, the only allowance in addition to the medical and hospital benefits is a statutory burial allowance of \$1,000.

Permanent Partial Disability and Healing Period:

The Act provides for two types of permanent partial disability for two distinct types of injuries, i.e., a permanent partial disability for injuries to certain statutorily designated member or parts of the body, and a permanent partial disability for injuries to the body other than those statutorily designated in the Act. Compensation for a statutorily designated injury is based upon a functional loss to the member or part of the body.

The following are examples of statutorily designated members or parts of the body and the maximum number of weeks permanent partial disability compensation is payable.

	<u>Number of Weeks</u>
Loss of thumb	60
Loss of first finger	35
Loss of second finger	30
Loss of third finger	25
Loss of fourth finger	20
Loss of hand	175
Loss of arm	230
Loss of great toe	40
Loss of any other toe	15
Loss of foot	150
Loss of leg	200
Loss of eye	125
Loss of hearing in one ear	50
Loss of hearing in both ears	175

Compensation for an injury that does not fall within the statutorily designated members or parts of the body is based upon industrial disability and not mere functional disability. In determining industrial disability, consideration may be given to the age, education, training, and employment qualifications of the employee, as well as his loss of earnings. Examples of injuries where industrial disability would be applicable are back and head injuries. Compensation is paid during the number of weeks in relation to five hundred weeks as the industrial disability bears to the body of the injured employee as a whole.

The employer is also required to pay the employee for a healing period in those cases wherein the employee has sustained a permanent partial disability. Healing period payments are provided until the employee has returned to work or medical evidence establishes that recuperation from the injury has been accomplished, whichever comes first.

Permanent Total Disability:

Compensation is payable during the period of disability.

Basis of Compensation:

The basis of compensation shall be the employee's average weekly spendable earnings. Spendable weekly earnings is defined as that amount remaining after deduction of payroll taxes from gross weekly earnings.

For death, healing period, a temporary disability, and permanent total benefits, the basis is 80% of the employee's weekly spendable earnings, but shall not exceed 66 2/3% of the average weekly wage of Iowa's covered workers as determined by the Iowa Employment Security Commission. The maximum will be \$91.00 after July 1, 1973.

For permanent partial disability benefits, the basis is 80% of the employee's weekly spendable earnings, but shall not exceed 61 1/3% of the average weekly wage of Iowa's covered workers as determined by the Iowa Employment Security Commission. The maximum will be \$84.00 after July 1, 1973. The Employment Security Commission determined the average weekly wage to be \$136.28 in 1972.

Rehabilitation:

An employee who has sustained an injury resulting in permanent partial or permanent total disability for which compensation is payable, and who cannot return to gainful employment because of such disability, shall upon application to and approval by the Industrial Commissioner be entitled to a twenty dollar weekly payment from the employer, in addition to any other benefit payments, during each full week in which he is actively participating in a vocational rehabilitation program recognized by the State Board of vocational education. The Industrial Commissioner approval of such application for payment may be given only after a careful evaluation of available facts, and after consultation with the employer or the employer's representative. Such additional benefit payment shall be paid for a period not to exceed thirteen consecutive weeks, except that the Industrial Commissioner may extend the period of payment not to exceed an additional thirteen weeks if the circumstances indicate that a continuation of training will in fact accomplish rehabilitation

Administration:

The Workmen's Compensation Law is administered by the Iowa Industrial Commissioner. When compensation is payable, a memorandum of agreement must be submitted to the Commissioner for his approval. After completion of payments, a receipt for the amounts must be filed with the Commissioner.

If an agreement is not reached, either the employee or employer may request an arbitration hearing to determine whether the employee is entitled to benefits, or the amount thereof. This filing must be made within two years from the date of injury causing such death or disability for which benefits are claimed. If an arbitration award has been made or weekly compensation paid, an employee may seek additional benefits by filing for a review-reopening of his/her case within three years after the date of the lay payment of weekly benefits (not medical payments) No statute of limitations is applicable to medical and hospital services where an arbitration award has been made or where weekly benefits have been paid.

There are appeal procedures for the aggrieved party in each instance. Hearings are held in the courthouse in the county where the injury occurred, and it is recommended that all parties be represented by a lawyer.

The workman, if requested by the employer, shall submit himself to all reasonable medical examinations by physicians at the expense of the employer. In case of permanent disability the

workman may, if dissatisfied with the permanent disability rating, apply to the Commissioner for an examination by a doctor of his choice at the employer's expense.

Commutation and Lump Sum Payment:

As a general rule, compensation payments are made periodically. Future payments may be commuted to a present worth lump sum only (1) when the period during which compensation is payable can be definitely determined; (2) when the Industrial Commissioner has filed his written approval; and (3) when commutation is shown to be for the best interest of the employee, or to entail undue expense, hardship, or inconvenience upon the employer.

In addition, if the person seeking the commutation is (a) widow or widower, or (b) a permanently and totally disabled employee, or (c) a dependent as defined in the Act, the future payments which may be commuted shall not exceed the number of weeks indicated by probability tables designated by the Iowa Industrial Commissioner for death and remarriage.

A commutation and lump sum payment discharges the employer from all further liability and entitles the employer to release.

Waivers:

An employee with a physical defect which increases the risk of injury may, with the approval of the Industrial Commissioner, agree to waive compensation for injuries which may occur directly or indirectly because of the defect.

Medical and Attorney Fees:

The fees of attorneys and physicians for services under the compensation law are subject to the approval of the Industrial Commissioner.

Second Injury Fund:

An employee who has suffered loss or loss of use of an eye, leg, arm, hand, or foot prior to an industrial accident which causes the loss or loss of the use of another such member may be entitled to compensation from the Second Injury Fund. Applications for such benefits may be obtained from the office of the Industrial Commissioner.

For further information in regard to Workmen's Compensation, write or telephone the Iowa Industrial Commissioner's Office, State Capitol Complex, East 6th and Des Moines Streets, Des Moines, Iowa 50319. The office is open for personal inquiries from 8 A.M. to 4:30 P.M. Phone (515) 281-5934.

Robert C. Landess
Industrial Commissioner

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