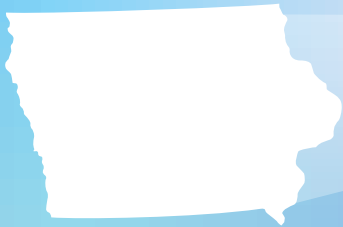


UNIVERSITY OF MINNESOTA

PROFILES IN PAROLE RELEASE AND REVOCATION: Examining the Legal Framework in the United States

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ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

Iowa

By

Alexis Lee Watts, Julie Matucheski, Kevin R. Reitz, Edward E. Rhine, and Mariel E. Alper*

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CONTENTS

1. Background; Sentencing System

a. Sentencing Framework	3
b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?	3
c. Which Agencies Are Responsible for the Supervision of Released Prisoners?.....	3
d. Which Agency Has Authority Over Parole Revocation?.....	3
e. Iowa Statistical Profile	3

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System	8
b. Good Time, Earned Time, and Other Discounts.....	8
c. Principles and Criteria for Parole Release Decisions.....	8
d. Parole Release Guidelines.....	9
e. Risk and Needs Assessment Tools	9
f. Medical or Compassionate Release.....	9
g. Executive Clemency Power	9
h. Emergency Release for Prison Crowding	10

3. Parole Release Hearing Process

a. Format of Release Hearings	10
b. Information Before the Board; Factors the Board May Consider	10
c. Prisoners' Procedural Rights.....	10
d. Victims and Other Participants	11
e. Burden of Proof or Standards of Persuasion.....	11
f. Possible Outcomes at Parole Release Hearings; Form of Decisions.....	11
g. Administrative or Judicial Review of Parole Denial.....	11
h. Rescission of Parole Release Dates.....	11

4. Supervision Practices

a. Purposes of Supervision.....	12
b. Are All or Only Some Releasees Placed on Supervision?	12
c. Length of Supervision Term.....	12
d. Conditions of Supervision.....	12
e. Fees and Other Financial Sanctions	13

CONTENTS

5. Parole Revocation

a. Principles and Criteria of “When to Revoke”	13
b. Revocation Guidelines.....	14
c. Risk and Needs Assessment Tools	14
d. Preliminary and Final Revocation Procedures.....	14
e. Offenders’ Procedural Rights	14
f. Victims and Other Participants.....	14
g. Burden of Proof or Standards of Persuasion.....	15
h. Revocation and Other Sanctions	15
i. Issuing Parole Revocation Decisions.....	15
j. Administrative or Judicial Review of Parole Revocation Decisions.....	15
k. Re-Release Following Revocation	15

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction.....	16
b. Location in Government	16
c. Purpose (Vision/Principles/Rationale).....	16
d. Appointment and Qualifications of Board Members.....	16
e. Tenure of Board Members, Ease of Removal.....	15
f. Training and Continuing Education	16
g. Workload	16
h. Reporting and Accountability of Parole Board	16

Appendix: Board Materials

Iowa Parole Risk Assessment.....	17
Iowa Code § 901B.1. Corrections Continuum—Intermediate Criminal Sanctions Program	19

End Notes.....	20
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1. Background; Sentencing System

a. Sentencing Framework

Iowa does not have a sentencing commission or sentencing guidelines. It is an indeterminate sentencing state that has, over time, adopted mandatory minimum penalties for certain crimes. Its Board of Parole was established in 1907, and has operated continuously since.

b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the Iowa Board of Parole.

<http://www.bop.state.ia.us/>

c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

Each judicial district in Iowa has a Judicial District Department of Correctional Services, which monitors parolees. The Judicial Districts are part of the Iowa Department of Corrections.

<http://www.doc.state.ia.us/Home>

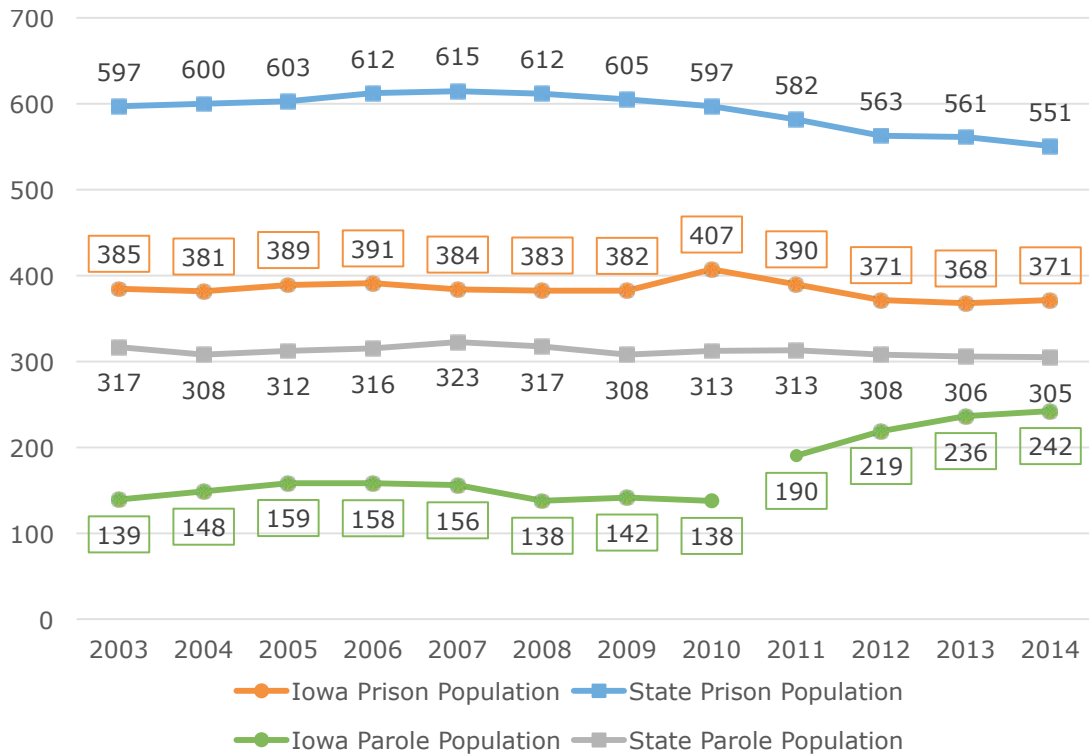
d. Which Agency Has Authority Over Parole Revocation?

The Iowa Board of Parole has authority over parole revocation, acting through administrative parole judges.

e. Statistical Profile

Summary: Prison and parole population rates are lower in Iowa compared to the states as a whole. However, parolees are more likely to be re-incarcerated compared to the states as a whole. Just under one-half of parole hearings result in parole being denied, while just over one-third lead to parole being granted. Iowa currently practices discretionary release for the majority of offenders, including violent offenders, sex offenders, property offenders, drug offenders, and public order offenders.

Chart 1. Prison and Parole Population per 100,000 Adult Residents, 2003-2014



*In 2011, Iowa changed its method of reporting the parole population count to include absconders, resulting in a higher parole population in 2011.

Chart 1 shows the population in prison and on parole per 100,000 adult residents at yearend for each year from 2003 to 2014. The data for this chart come from the *Probation and Parole in the United States* series and the *Prisoners* series published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown.

The prison population rate in Iowa is noticeably lower than the aggregate state rate. Throughout the series, that rate has remained fairly stable. In 2014, the prison population rate was 371 in Iowa versus 551 for all 50 states. Iowa had one of the lowest prison population rates of the states in 2014. In 2014, 77% of releases from prison were conditional releases.

The parole population rate in Iowa is also lower than the aggregate state rate. In 2011, Iowa changed its method of reporting the parole population count to include absconders, resulting in a higher parole population in 2011. Even after this change, the rate in Iowa remained lower than the aggregate rate, rising in 2014 to 242, which is lower than the aggregate state rate of 305. Iowa had the 22nd highest parole population rate of the states in 2014. In 2014, all reported admissions to parole were due to a discretionary decision of the parole board.

Iowa had one of the lowest prison population rates of the states in 2014.

Iowa had the 22nd highest parole population rate of the states in 2014.

Chart 2. Conditional Release Violators as a Percentage of Prison Admissions, 2003-2014

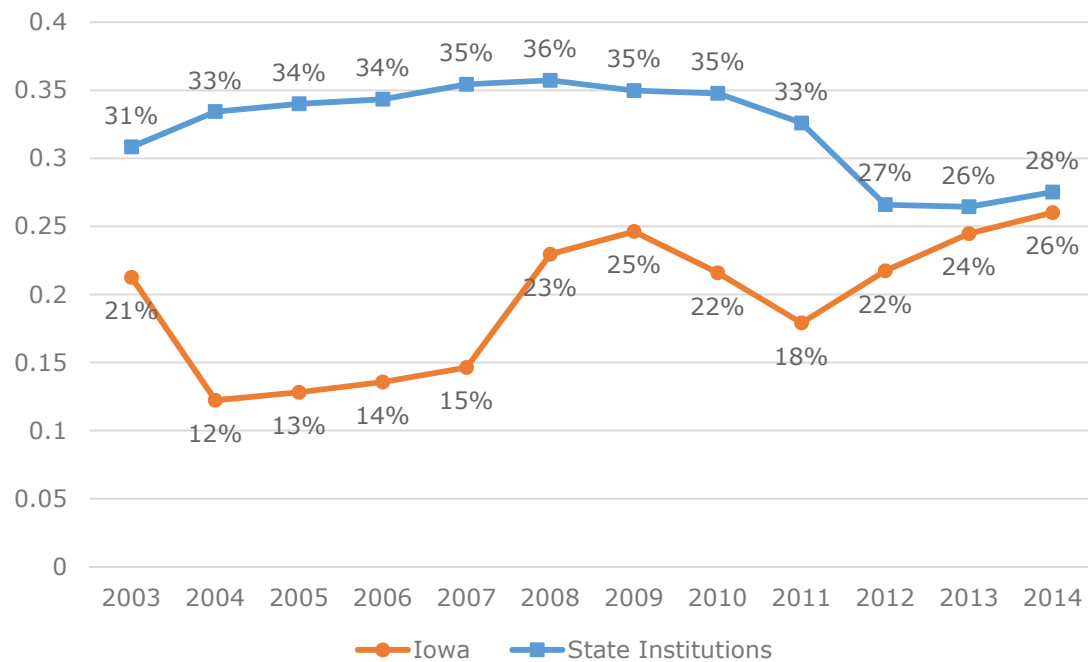


Chart 2 shows the percentage of prison admissions each year from 2003 to 2014 that were due to violations of parole or other conditional release. The data for this chart come from the *Prisoners* series published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown.

In the early years of this series, the percentage of prison admissions that were conditional release violators in Iowa was much lower compared to that of the aggregate states. However, while the states aggregately remained steady for several years before decreasing beginning in 2010, the percentage in Iowa has been increasing since and now approaches the aggregate percentage. In 2014, twenty-six percent of prison admissions in Iowa were due to violations of conditional release compared to twenty-eight percent of the admissions for states in aggregate. Iowa had the 24th highest percentage of prison admissions that were due to violations of conditional releases of the states in 2014.



Iowa had the 24th highest percentage of prison admissions that were due to violations of conditional releases of the states in 2014.

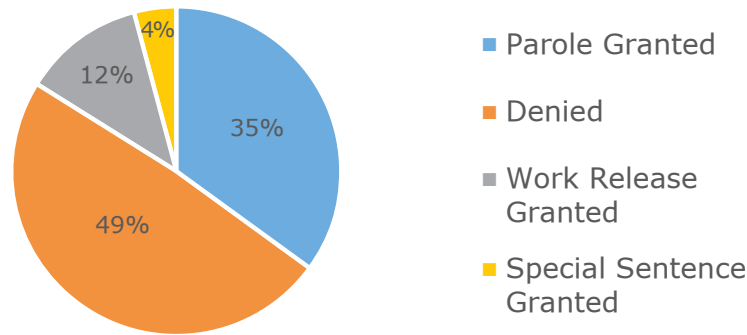
Chart 3. Iowa Grant Rate, 2014

Chart 3 shows the percentage of parole hearings in fiscal year 2014 that resulted in parole being granted, parole being denied, work release being granted, or a special sentence being granted. Nearly half of the hearings resulted in a denial, while just over one-third resulted in parole being granted.
 Source: Iowa Board of Parole Annual Report Fiscal Year 2014, www.bop.state.ia.us/Document/1001.

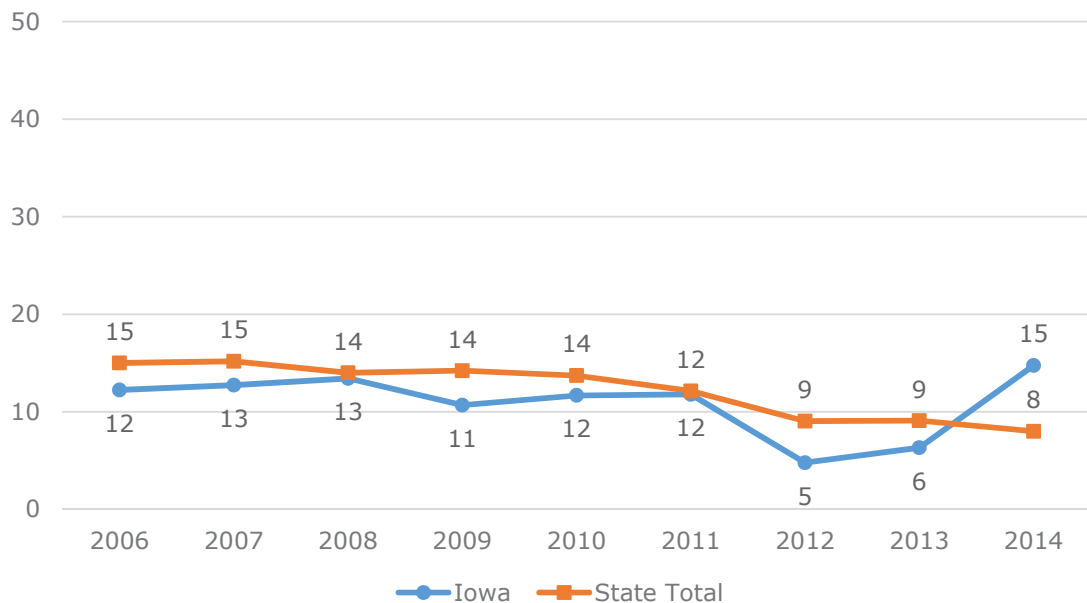
Chart 4. Rate of Incarceration Per 100 Parolees at Risk, 2006-2014

Chart 4 shows the rate of incarceration per 100 parolees who are at risk of reincarceration each year from 2006 to 2014. The data for this chart come from the *Probation and Parole in the United States* series published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown. The incarcerated population includes the reported number of parolees who exited parole to incarceration for any reason. The at-risk population is calculated as the number reported on parole at the beginning of the year, plus the reported number of entries to parole during the year.

The rate of incarceration for parolees is higher in Iowa compared to the states in aggregate, though it was lower than or equal to the state aggregate rate from 2006 through 2013. In 2014, the rate was 15 per 100 parolees in Iowa compared to 8 per 100 for the states in aggregate.

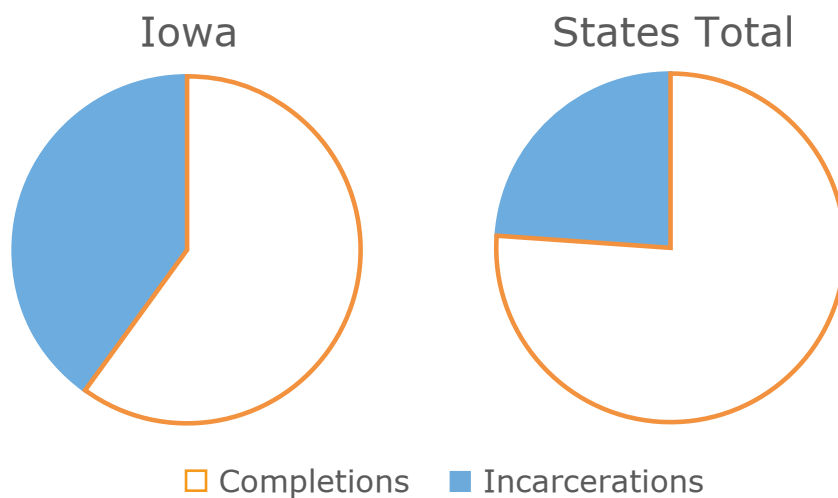
Chart 5. Parole Exits, 2014

Chart 5 the percentage of people who exit parole to incarceration. All other exits are included in "completions". The data for this chart come from the *Probation and Parole in the United States* series published by the Bureau of Justice Statistics (BJS).

In Iowa, forty percent of the exits from parole are due to incarceration. This is much higher than the aggregate state proportion of 24%.

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

General rules of release eligibility. Iowa is an indeterminate sentencing state; the judge has discretion in imposing the sentence to be served by the defendant and the Board has great discretion in determining release. Judges may impose a maximum sentence, but aside from mandatory sentences/mandatory minimum sentences imposed for certain specific crimes, there are no minimum sentences.⁶ Thus, most Iowa inmates are technically eligible for parole upon incarceration.⁷

Maximum Sentences for Felony Crimes⁸

Class of Felony	Max. Length of Incarceration	Fine
Class A ⁹	Life without parole	N/A
Class B ¹²	25 years	N/A
Habitual Offender ¹⁰	15 years (with a minimum of 3 years)	As per Class C or Class D felony
Class C	10 years	\$1,000 to \$10,000
Class C	5 years	\$750 to \$7,500

However, “[t]he board shall not grant parole to an inmate serving a mandatory minimum sentence.” In addition, the board cannot grant work release to an inmate serving a mandatory minimum sentence unless the inmate is within six months of completing the mandatory minimum portion of the sentence.¹¹

Court determination of parole eligibility for certain offenders. Beginning July 1, 2016 offenders convicted of certain drug, child endangerment, and robbery offenses will be given a sentence that includes the percentage of the sentence that must be served in prison. A judge may authorize parole eligibility at between 3/10 and 7/10 of the maximum sentence.¹²

Violent and sex offenders. Many of the mandatory minimum sentences that exist in Iowa are related to violent felonies.¹³ For example, use of a firearm in a crime confers a five-year mandatory minimum sentence; those convicted of a prior forcible felony must serve half of their maximum sentence before release.¹⁴ Some crimes, like second-degree murder or first- or second-degree sexual abuse, carry a mandatory minimum of 7/10 of the maximum sentence.¹⁵

Life sentences. Inmates with a life sentence without parole imposed for a Class A felony are only eligible for parole if the governor commutes their sentence to a term of years.¹⁶ All other prison sentences are indeterminate, with the next most severe sentence being an indeterminate term of up to 99 years.¹⁷

Recurring eligibility after denial of release. The Board is required to review the inmate’s file at least annually, regardless of decisions at previous proceedings. However, the Board is exempted from the annual review requirement for Class A and Class B felons serving more than 25 years.¹⁸

b. Good Time, Earned Time, and Other Discounts

“Category A” offenders (those with no requirement to serve 7/10 of a maximum sentence) are eligible for one and two-tenths days of good time for every day they demonstrate good conduct and participate in certain programs. These programs may include drug or alcohol treatment, educational programming, or work in the institution or for Iowa state industries. Category A offenders may also receive sentence reductions of up to 365 additional days for “exemplary acts.”

“Category B” offenders (those required to serve 7/10 of a maximum sentence) are eligible for fifteen eighty-fifths (or ~ 5.7%) of one day of good time for every day of good conduct by the inmate. Note that sex offenders must also participate in sex offender counseling as a prerequisite to earning good time.¹⁹

Good time is applied to the full term an inmate must serve; it does not affect eligibility for parole release.²⁰

c. Principles and Criteria for Parole Release Decisions

General statutory standard for release decisions. Parole or work release must be ordered only for the best interest of society and the offender, not as an award of clemency. The Board should release an eligible inmate when in its opinion there is reasonable probability that the person can be released without detriment to the community or to the person. A person’s release is not a detriment to the community or the person if, in the Board’s determination, the person is able and willing to fulfill the obligations of a law-abiding citizen.²¹

Statutory factors the Board must consider. The Board may, subject to exceptions as deemed necessary by the Board, require each inmate who is physically and mentally capable to demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of the requirements for a high school equivalency diploma prior to release of the inmate on parole or work release.²²

Special standard for sex offenders. The Board must routinely request an evaluation of an inmate convicted of a crime involving sexual abuse or personal violence, or of an inmate who has committed assaults or violent acts while incarcerated.²³

d. Parole Release Guidelines

There are no parole release guidelines in operation in Iowa.

e. Risk and Needs Assessment Tools

Statutory mandate. The Board is mandated to adopt a risk assessment: “[t]he board shall assess the risk of an inmate committed to the custody of the department of corrections. The board shall utilize a risk assessment instrument approved by the board by resolution.”²⁴

Risk instruments utilized. In December 2012, the Board adopted the Iowa Parole Risk Assessment as the primary risk assessment tool for non-sex offenders at parole release.²⁵ This tool produces both a “Violence Score” and a “Victimization Score” which are used together to determine an offender’s level of risk. Factors that go into both scores include characteristics of the current offense, type of criminal history (particularly of violent crime), recency of criminal history, criminal associations, and current age.²⁶

The Dynamic Risk Assessment for Offender Reentry (DRAOR) is also now being utilized in Iowa. The DRAOR is a new a case management tool that assists in addressing offender attitudes and programming needs while the offender is incarcerated and later on supervision. The tool is utilized in reentry preparation. The DRAOR identifies the dynamic risks for offenders, assists in identifying interventions to manage the risks, informs the transition from prison to the community and transition from community to discharge, helps to develop long-term strategic goals of reentry, and purportedly contributes to staff safety in prison and public safety in the community.²⁷

Sex offenders. Sex offenders are evaluated using the Iowa Sex Offender Risk Assessment (ISORA8), which was subject to a validation study (along with the Static-99) in 2010. The study found that both assessments predicted new convictions for violent or sexual crimes very well but were not as powerful at predicting all convictions.²⁸ The ISORA8 uses 8 factors which include:

- Age at first conviction for sex offense
- Offender abused as child
- Number of victims in current offense
- Relationship to victim in past/current offense
- Manipulation of victim in past/current offense
- Number of arrests for sex offenses
- Prior non-sex-related crimes²⁹

Transparency. The results of Iowa’s 2012 Parole Risk Assessment Validation Study are available online. The study shows that, like the LSI-R, the Iowa Parole Risk Assessment has a moderate ability to predict re-offense in Iowa. It also mentions that no changes were made to the risk assessment between 2003 (when the last validation was conducted) and 2012.³⁰ Iowa law requires disclosure of an inmate’s Iowa Parole Risk Assessment score to that inmate; however, since it is a static score no more than one inmate request per period of incarceration is allowed.³¹ It appears that risk assessment scores (such as from the DRAOR) related to the last offense of conviction may also be available as a matter of public record.³²

f. Medical or Compassionate Release

The Board does not grant paroles due to medical reasons or for family hardship cases.³³ However, if a parolee is eligible for parole, an offender’s health or medical condition may be taken into account as a “factor deemed relevant” when considering release at a review hearing.³⁴

g. Executive Clemency Power

An inmate may apply to the Board for a recommendation to the Governor that he or she grant a reprieve, pardon, commutation of sentence, or remission of fines/forfeitures. The Board will then conduct an investigation pursuant to making a recommendation. If the person has been convicted of a Class A felony, the Board must unanimously recommend the relief; if not, at least three members of the Board must agree.³⁵

h. Emergency Release for Prison Crowding

There is no emergency or overcrowding release process. It should be noted that as of 2015, the prison population as a percent of capacity in Iowa was at 113%; but this meets the Department of Correction's performance goal.³⁶

3. Parole Release Hearing Process

a. Format of Release Hearings

Inmates may be granted or denied parole through a file review process alone, in which no hearing is conducted. In 2014, about 97% of release deliberations only involved a file review. At a review, the Board or board panel may consider the inmate's records and other information with respect to history, current situation, parole and work release prospects, and other pertinent matters.³⁷

On occasion, however, the inmate is formally interviewed in front of the Board or a board panel. In those instances, the inmate must have ample opportunity to express views and present materials.³⁸ The Department of Corrections must be given notice of the interview 20 days in advance, and this is also considered notice to the inmate. Aside from a registered victim, no one else is given the opportunity to speak at a parole interview.³⁹

b. Information Before the Board; Factors the Board May Consider

The Board may consider the following factors and others deemed relevant to the parole and work release decisions:

- Previous criminal record
- Nature and circumstances of the offense
- Recidivism record
- Convictions or behavior indicating a propensity for violence
- Participation in institutional programs
- Psychiatric and psychological evaluations
- Length of time served
- Evidence of serious or habitual institutional misconduct
- Success or failure while on probation
- Prior parole or work release history
- Prior refusal to accept parole or work release
- History of drug or alcohol use
- A parole plan formulated by the inmate
- General attitude and behavior while incarcerated
- Risk assessment⁴⁰

Iowa utilizes the Iowa Corrections Offender Network (ICON) system to track and compile offender information. All documents created by the Board, the Department of Corrections, and the Judicial Districts (responsible for supervision of parolees) are available to each agency for electronic review. When the Board reviews a file, a "Board of Parole Docket" is created which compiles several pieces of information from the ICON database.⁴¹

c. Prisoner's Procedural Rights

Each inmate will be given an opportunity to make an independent statement to the panel or Board at some point during the parole proceeding. The Board must give the inmate "ample opportunity to express views and present materials." If there is no hearing, this may be accomplished through an interview with the inmate.⁴² The panel or Board may limit this statement in any manner as to topic or time. Specifically subject to this limitation will be persons who have no realistic grounds to believe a parole will be granted, i.e., those with mandatory minimum sentences, those serving life terms, or those having served short times relative to the severity of their crimes and length of their sentences.⁴³

Apart from disciplinary reports, a supervised individual is entitled to review of his or her own board records, unless disclosure of those records could result in "physical or psychological harm" to others.⁴⁴ The Board must place any written communication concerning the inmate in the case file and the Board must inform the inmate when a communication adverse to the person will be considered in making a parole or work release decision and disclose to the person the substance of any opinion regarding the person's status unless withholding the information is requested by the person providing the statement or oral communication and the Board determines that the release of the information would endanger the public safety.⁴⁵ As mentioned above, the inmate is entitled to request their Iowa Parole Risk Assessment score.⁴⁶

An inmate may retain private counsel during the parole release process, however the Board is not required to hear oral statements or argument by attorneys or others.⁴⁷ Apart from this, there is no process by which an inmate may be appointed counsel during release proceedings.⁴⁸

d. Victims and Other Participants

The Board must notify a registered victim of a violent crime by mail at least 20 days prior to conducting any hearing at which the inmate will be interviewed. A victim may appear in person (or through counsel) at a hearing. A victim may submit their written opinion concerning the release of an inmate at any time and it will become a permanent part of the inmate's file. Information regarding a registered victim, as well as the existence of a registered victim in a particular case, is confidential and will not be disclosed to the public. But the victim's registration, and the substance of any opinion submitted by the victim regarding the inmate's release, may be disclosed to the inmate at the discretion of the Board.⁴⁹

Any member of the public may submit a writing related to the release of an inmate.⁵⁰ According to administrative rule, parole proceedings must be open to the public except as otherwise necessary or proper as determined by the Board.⁵¹

e. Burdens of Proof or Standards of Persuasion for Release

There is no specific burden of proof or standard of persuasion for parole release.

f. Possible Outcomes at Parole Release Hearings; Form of Decisions

The Board will either grant or deny parole after each file review and/or interview has been conducted. They must issue a notice to the facility where the inmate is presently incarcerated.⁵² The Board is not required to provide specific reasons for either parole grant or denial.

g. Administrative or Judicial Review of Parole Denial

An inmate may administratively appeal a Board decision to deny parole or work release.⁵³ The general grounds for an appeal include that the board action is: (1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the Board; (3) in violation of a Board rule; (4) made upon unlawful procedure; (5) affected by other error of law; (6) unsupported by evidence or based on incorrect or incomplete information which, if correct or complete, might have resulted in a different action; and/or (7) unreasonable, arbitrary, or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of decision.⁵⁴

An administrative appeal must be filed in writing and must state: the nature of the board action which is the subject of the appeal; the particular agency action which is the subject of the appeal; the grounds on which relief is sought; and the relief sought. All grounds for relief must be included in the same appeal, and all necessary documents and information must be attached to the appeal. The appeal must be submitted to the business office and be received at the Board office, or be postmarked, within ten days of the receipt of notice of the action appealed. The Board is not required to consider untimely appeals.⁵⁵

The Board, a designee of the Board or a panel of three or more members of the Board must review a timely appeal. The chairperson or designee or the panel may affirm, modify or reverse the action being appealed or may defer the action for further consideration, including granting the inmate an appearance before the Board. The Board must give notice to the inmate of its decision.⁵⁶

Apart from an appeal or other hearing scheduled by the Board, an inmate may request an appearance before the Board independently by submitting a written request to the business office or a board liaison officer. A member of the Board may grant the request for an appearance.⁵⁷

Finally, an appeal can also be made in court, but only if the administrative remedies described above have been exhausted.⁵⁸

h. Rescission of Parole Release Dates

The Board may rescind parole based on inaccurate information or if parole was otherwise granted in error.⁵⁹ Rescission does not require a hearing, however, the Board's regulations state that it can hold parole rescission hearings during board sessions.⁶⁰

4. Supervision Practices

Parole supervision rate. In 2014, there were 242 parolees per 100,000 adults in Iowa. This is slightly less than the 50-state average rate of 305 parolees per 100,000 adults. In addition, there were 371 prisoners per 100,000 adults in Iowa, which is significantly less than the 50-state average rate of 551 prisoners per 100,000 adults.⁶¹

a. Purposes of Supervision

While there is no explicit statement of purpose for supervision in Iowa, the Department of Corrections claims that they “advance successful offender reentry to protect the public, employees, and offenders from victimization.”⁶² The Iowa Court of Appeals noted in a lifetime sex offender supervision case that in some cases supervision is “necessary for the safety, health, and welfare of the state.”⁶³

b. Are All or Only Some Releasees Placed on Supervision?

Most parolees are initially placed into a community corrections program that consists of regular parole supervision and adherence to any conditions established within the parole agreement. Some offenders may be placed under “intensive supervision” which may include electronic monitoring, day reporting/programming, or other sanctions.⁶⁴

c. Length of Supervision Term

Maximum supervision terms. Parole supervision continues until the balance of the prison term has been served, subject to early discharge by the Board or the District Department.⁶⁵ Some sex offenders are given a “special sentence” which places them under the custody of the Department of Corrections for 10 years (for a class D felony) to life (for a class B or C felony). This is a sentence “as if on parole” but with different consequences for revocation.⁶⁶

Early termination. When a parolee is “able and willing to perform in a law-abiding fashion without further supervision” a parole officer may apply to the District Director for their discharge from parole. This can occur even for sex offenders with a “special sentence.”⁶⁷ The recommendation for discharge must at a minimum include a report on:

- Parolee’s attitude and adjustment to parole supervision.
- Public offenses committed by the parolee while under supervision.
- Violation of any parole conditions set by the Board.
- Abuse of alcohol or drugs while on parole.

- Restitution accomplished by the parolee.
- The reasons why the discharge is appropriate.⁶⁸

Extension of supervision term. It does not appear that the Board can extend the parole term beyond the maximum sentence.⁶⁹ However, upon parole revocation, an administrative parole judge determines a number of parole days that will not be counted towards the discharge of the parolee’s sentence.⁷⁰

Incentives; “goal parole”. While early termination of parole must be based on parole compliance (see above), there are no other specific incentives for good behavior on parole.

d. Conditions of Supervision

All parolees must:

- Obey all federal, state, and local laws and ordinances.
- Notify the District Department of any arrest or citation within 24 hours.
- Secure and maintain employment as approved by the District Department and obtain permission from the District Department prior to changing or quitting a job. The parolee shall notify the District Department within 24 hours if fired or laid off. The parolee shall make every effort to secure employment if unemployed and shall report the parolee’s efforts to the District Department as directed.
- Remain in the county of residence unless the District Department grants prior permission to travel or the parole agreement provides otherwise and obtain written permission from the District Department prior to traveling outside the state.
- Obtain permission from the District Department prior to changing residence.
- Maintain contact with the District Department as directed by the District Department or the Department of Corrections.
- Maintain and, upon request, present proof of adequate liability insurance or proof of financial responsibility and a valid driver’s license before owning or operating a motor vehicle.
- Not own, possess, use, or transport firearms, other dangerous weapons.
- Cooperate in any treatment, rehabilitation, or monitoring program as directed by the District Department.
- Treat all people with respect and courtesy in all interpersonal relationships and refrain from verbal or physical abuse.
- Make restitution payments as directed by the restitution plan.
- Pay court costs and fines as directed by the parole agreement.⁷¹

Special conditions of parole may be imposed at any time in accordance with the needs of the parolee as determined by the Board, the Department of Corrections, or the District Department pursuant to Department of Corrections rules.⁷²

Sex or violent offenders. Some offenders convicted of violent crimes must begin parole in a correctional residential facility rather than in other housing.

Modification of conditions. Conditions can be modified at any time by the Board, the Department of Corrections, or the District Department in accordance with the needs of the case. For addition or deletion of conditions, all copies of the parole agreement must be updated and signed/dated by the parolee and District Department staff. The Board and the Department of Corrections must also be notified of changes in the parole agreement.⁷³ Parole violations that do not result in revocation may result in modification of conditions.⁷⁴

Incentives; lighter conditions. There is no explicit statutory relationship between lighter conditions of parole and good behavior.

e. Fees and Other Financial Sanctions

Parole supervision fees. There is a parole enrollment fee of \$300 that is payable to the District Department in which a parolee is supervised. There may be additional fees required to offset the cost of sex offender programming, when applicable. Each district is required to have written policies and procedures governing the waiver of these fees for people determined unable to pay.⁷⁵

Payments for drug and alcohol testing and treatment. Generally speaking, there are no payments for drug or alcohol testing. However, if a parolee receives a positive urinalysis, they may request a second urinalysis test at a different laboratory. If the results of that test are positive, the parolee must pay for it.⁷⁶

Restitution. Abiding by a parole restitution agreement is a standard condition of parole.⁷⁷ The Director of the Iowa Department of Corrections or a designee may modify the restitution payment plan at any point. The new plan must consider “the offender’s present circumstances concerning the offender’s income, physical and mental health, education, employment, and family circumstances.”⁷⁸

Child support. While child support payment is not a condition of parole, an obligor can be held in contempt of court for failure to provide court-ordered support; this would likely be a violation of the condition requiring a parolee to obey state and local laws.⁷⁹

Other financial obligations. Payment of fines and court costs is a standard condition of probation.⁸⁰ A defendant is presumed to be able to pay a fine, but can attempt to prove to the satisfaction of the court that payment cannot be made. However, the defendant may be sentenced to community service in lieu of the fine.⁸¹

Incentives; reduction of economic sanctions. It does not appear that there are parole incentives tied to economic performance.

5. Parole Revocation

Parole revocation proceedings. According to the Board, there were 2,163 revocation hearings and 301 automatic revocations that resulted in 1,562 total parole revocations in 2015.⁸² In 2014, 26% of Iowa prison admissions were based on conditional release violations, close to the 50-state average of 28%.⁸³

Absconders. The Bureau of Justice Statistics reports no absconders from parole in 2014.⁸⁴

a. Principles and Criteria of “When to Revoke”

Policy considerations. Iowa has created a corrections continuum (reproduced in the appendix) which allows for intermediate criminal sanctions short of incarceration.⁸⁵ Parole officers are also encouraged to manage minor violations through a reporting process rather than trigger revocation proceedings.⁸⁶

Legal predicates. The parole officer must report to the Board any parolee who is reasonably believed to have engaged in any of the following types of behavior:

- Violation of any federal or state laws, except simple misdemeanors.
- Any violent or assaultive conduct.
- Possession, control or use of any firearms, imitation firearms, explosives or weapons as defined in federal or state statutes.
- Sale, possession, continual or problem use, transportation or distribution of any narcotic or other controlled substance or excessive use of alcohol by the parolee.
- A parolee whose whereabouts are unknown and who has been unavailable for contact for 30 days, or about whom reliable information has been received indicating that the parolee is taking flight or absconding.

- Any behavior indicating that the parolee may be suffering from a mental disorder which impairs the parolee's ability to maintain the parolee in the community or which makes the parolee a danger to the parolee or others when the mental disorder cannot be adequately treated while the parolee is in the community.
- Any other conduct or pattern of conduct in violation of the conditions of parole deemed sufficiently serious by the parole officer.

The parole officer or supervisor is authorized to sanction any other parolee misconduct not required to be reported above.⁸⁷ If a parole officer becomes aware of a more minor violation, that officer can report the violation but recommend that the parolee continue on parole. However, if more than two such reports are issued in a 12-month period, a revocation hearing is required.⁸⁸

Statutorily enumerated factors. Other than the above list of actions which automatically trigger a revocation are no specific statutory factors that are considered in every revocation hearing.

b. Revocation Guidelines

There is no parole revocation guidelines system in place in Iowa.

c. Risk and Needs Assessment Tools

It does not appear that risk and needs assessments have a role in the revocation process.

d. Preliminary and Final Revocation Procedures

Arrest. A parole officer having probable cause to believe that any person released on parole has violated the parole plan or the conditions of parole may arrest such person, or the parole officer may make a complaint before a magistrate, charging such violation, and if it appears from such complaint, or from affidavits filed with it, that there is probable cause to believe that such person has violated the parole plan or the terms of parole, the magistrate shall issue a warrant for the arrest of such person.⁸⁹ In addition, the parole officer makes a parole violation report recommending a course of action and submits it to the Board.⁹⁰

Preliminary hearing. An initial hearing is held "without unnecessary delay." The alleged parole violator must be given written notice of the claimed violation and informed about the purpose of a parole revocation hearing. The parolee will also be told that they have the right to

request an attorney.⁹¹ The magistrate judge will make an initial probable cause finding.⁹² The judge will then make a bail determination and the parolee will either remain in custody or be released pending a final hearing.⁹³

Final hearing. The final hearing is conducted by an administrative parole judge who is an attorney. The hearing determines whether there an alleged parole violation occurred and whether the violator's parole should be revoked.⁹⁴

Separate process for new crimes. The Board's administrative law judges do not hear cases involving parolees convicted of new felonies or aggravated misdemeanors. The parole of a parolee who was convicted of such a crime is deemed revoked as of the date of the commission of the new offense. Though no hearing is conducted for an automatic revocation, an administrative law judge is required to process the judgment and sentence on the new conviction and notify the parolee of the revocation.⁹⁵ If a conviction is reversed, the parolee's record must be reviewed as soon as is practical.⁹⁶

e. Offender's Procedural Rights

An attorney may be appointed to represent an indigent alleged parole violator in a parole revocation proceeding only in certain cases.⁹⁷ The parole violator must be informed of the evidence against them, must be given an opportunity to be heard, and may present witnesses and other evidence. The parolee will also be allowed to cross-examine adverse witnesses unless the judge finds that this presents a risk to the witness.⁹⁸

f. Victims and Other Participants

Unlike the expansive victim notification and input provisions regarding the parole release project, a victim does not seem to have any complementary victim rights in the revocation context. It does not appear with the revocation process, as it is handled by Administrative Law Judges rather than the Board, requires the scheduling of hearings and issuance of decisions to be made public. But the meetings are open to the public and the media are allowed to record and broadcast the hearings.⁹⁹

g. Burdens of Proof or Standards of Persuasion for Revocation

At the initial hearing, a magistrate must find substantial evidence supporting a preliminary probable cause determination.¹⁰⁰ At the final hearing, the administrative parole judge must determine whether the parolee has violated the conditions of parole; a final determination of probable cause must be made but there is no statutory burden of proof.¹⁰¹

h. Revocation and Other Sanctions

Parolees may face administrative sanctions imposed by the supervising agency that are less serious than parole revocation. These punishments all situated along Iowa's "corrections continuum," and are based on the seriousness of the violation. For example, a level three violation can result in placement in a residential treatment, substance abuse, or work release facility, or house arrest with electronic monitoring.¹⁰²

If the judge finds that a parole violation has occurred, one of the following sanctions may be imposed:

- Re-instatement of parole with credit for jail time served;
- Re-instatement of parole with additional conditions imposed (including transfer to Intensive Parole Supervision);
- Diversion to an appropriate treatment program;
- Placement in the Phoenix Program;
- Revocation of parole and transfer to a work release program;
- Revocation of parole and return to prison.

If the administrative parole judge determines that the parolee has not violated the conditions of parole, the judge will order that the parolee be released from custody and continued on parole.¹⁰³

If a parole revocation hearing is held, the administrative parole judge or the Board must determine the amount of time on parole that will apply to the sentence against the parolee. In making the determination, the administrative parole judge or the Board must apply any time that has elapsed prior to the violation during which the parolee was in compliance with the terms of the person's parole. The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.¹⁰⁴

i. Issuing Parole Revocation Decisions

At the conclusion of the adjudication stage of the hearing, the administrative parole judge will determine whether the parolee has violated the conditions of parole and must verbally advise the parolee of the decision.¹⁰⁵ The administrative parole judge or the Board's designated officer shall forward a summary of the parole revocation hearing to the parolee, the parolee's attorney, the parole officer, and the board office as soon as reasonably possible following the parole revocation hearing. The summary of the parole revocation shall consist of a summary of the proceeding and shall contain the judge's findings of fact, conclusions of law and disposition of the matter.¹⁰⁶

j. Administrative or Judicial Review of Parole Revocation Decisions

The order of the administrative parole judge becomes the final decision of the Board unless, within ten days of the date of the decision, the parole violator files an administrative appeal of the decision or a panel of the board reviews the decision on its own motion. On appeal or review of the judge's decision, the board panel has all the power which it would have in initially making the revocation hearing decision.¹⁰⁷ The record on appeal or review is the record made at the parole revocation hearing conducted by the administrative parole judge.¹⁰⁸

Judicial review of procedures established by the Board is available through Iowa's administrative procedure act. In Iowa, the Board is considered an "agency," the revocation proceeding is a "contested case," and revocation is an "agency action."¹⁰⁹

Judicial review of the actual decision to revoke parole is available through post-conviction relief statutes. Appeal may be taken where an individual's sentence has expired, where parole has been unlawfully revoked, or where a person is otherwise unlawfully held in custody.¹¹⁰ On review, the post-conviction petitioner must establish facts by a preponderance of the evidence.¹¹¹

k. Re-Release Following Revocation

Parole can be revoked for up to the full remaining term of incarceration, but it appears as though there is an annual parole file review for all incarcerated individuals.¹¹² For sex offenders serving "special sentences" of up to life, an initial parole revocation cannot exceed two years, and cannot exceed five years for a second or subsequent revocation.¹¹³

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction

The Board is established by statute and has authority over parole and work releases and revocations.¹¹⁴

b. Location in Government

The Board is an independent agency that reports directly to the Governor. However, it receives some administrative support from the Department of Corrections.¹¹⁵

c. Purpose (Vision/Principles/Rationale)

The Board's stated mission is to enhance overall public safety by making evidence-based and informed parole decisions for the successful re-entry of offenders back into the community to become productive and responsible citizens.¹¹⁶

d. Appointment and Qualifications of Board Members

There are five members, including a chairperson and a vice chairperson, appointed by the Governor.¹¹⁷ The Governor also selects three alternate members to substitute for board members who are disqualified or become unavailable for any other reason for hearings. Alternate members can vote in place of other board members, but at least one member of a hearing panel must be from the regular Board.¹¹⁸

Qualifications. All members of the Board must be "of good character and judicious background." One member must be of a minority group. The Board may also include a person ordained/designated as a religious leader who is knowledgeable in correctional procedures and issues. The Board must also meet two out of three of the following requirements:

1. Contain one person who is a disinterested layperson.
2. Contain one member who is an attorney licensed to practice law in the state and who is knowledgeable in correctional procedures and issues.
3. Contain one member who is a person holding at least a master's degree in social work or counseling and guidance and who is knowledgeable in correctional procedures and issues.

The pool of alternate members is considered a separate appointive board for purposes of complying with the demographic requirements listed above.¹¹⁹

All appointive boards in Iowa must be balanced in terms of gender and political affiliation. In addition, qualified individuals from racial/ethnic minority groups should be considered for appointment (apart from the member who must be from a minority group).¹²⁰

e. Tenure of Board Members, Ease of Removal

Board members serve 4 year staggered terms. The Chairperson serves at the pleasure of the Governor.¹²¹ Any person who has been appointed by the Governor to any Board is considered to have resigned if they do not regularly attend Board meetings, as defined by statute.¹²² It appears that a Board member may be removed from office for willful or habitual neglect or refusal to perform duties of the office; for willful misconduct or maladministration in office; for corruption; for extortion; upon conviction of a felony; for intoxication; or upon conviction for violating campaign finance laws.¹²³ The governor may direct the attorney general to file a petition for removal when appropriate.¹²⁴

f. Training and Continuing Education

The Board conducts training and professional development. According to the latest Annual Report, board members annually visit facilities and field locations, include an educational component in each business meeting to "learn about and remain up-to-date on current practices, research, data, and legislation," utilize the Association of Paroling Authorities International (APAI) as a resource, attend the APAI Annual Training Conference, and research programs in other states.¹²⁵

g. Workload

The Board completed 11,371 case deliberations, which included 213 interviews, in 2015. Administrative law judges presided over 2,163 parole revocation hearings.¹²⁶

h. Reporting and Accountability of Parole Board

The Board produces an Annual Report for each fiscal year. The report includes basic information about board activities/decisions and about recidivism within the parole population.¹²⁷ The public may examine and copy board public records, including some parts of the records of inmates.¹²⁸

Iowa Parole Risk Assessment

(from Iowa Bd. of Iowa Bd. of Parole, Annual Report Fiscal Year 2013)

Not to be completed for offenders whose most serious offense is a sex offense.

Iowa Parole Risk Assessment

	Violence Score	Victimization Score
Current Offense		
1. Active Offenses Include		
a. Assault, Attempted Murder, Burglary, Robbery, Murder, Theft from a Person, Vandalism or Voluntary Manslaughter	2	2
b. Not as above but <u>most serious offense</u> is Forgery/Fraud	-1	0
c. Not as above	0	0
2. Number of Counts, Current Property Offenses		
a. None	0	0
b. One	0	1
c. Two or More	0	2
Criminal History		
3. Ever Convicted of Murder/Manslaughter, Robber or Theft from a Person (Priors Only)		
a. Yes	1	1
b. No	0	0
<i>For items 4-5, consider <u>only</u> convictions where date of conviction or sentencing is 10 years or less from the <u>earliest</u> sentence date of the current offense(s).</i>		
4. Number of Prior Counts for Violent Crimes Within Last 10 Years (Any Offense Level)		
a. None	0	0
b. One to Three	1	1
c. Four or More	2	2
5. Prior Convictions Within the Last 10 Years (check ALL that apply)-		
<i>For a through c, count <u>only</u> aggravated misdemeanors, felonies, or juvenile commitment offenses:</i>		
a. Property Crime	0	1
b. Burglary (include violent and property offense types)	1	1
c. Weapons	1	1
d. Flight/Escape	1	1
e. Not as above	0	0

Iowa Parole Risk Assessment

(from Iowa Bd. of Iowa Bd. of Parole, Annual Report Fiscal Year 2013)

Criminal History - Recency

For Item 6, consider only convictions where date of conviction or sentencing is 5 years or less from earliest sentence date of the current offense(s).

6. Prior Conviction for Violent Crime in the Last 5 Years (Any Offense Level)

a. Yes	2	2
b. No	0	0

For Item 7, count from last release from prison or juvenile commitment to current prison admission date.

7. Released from Prison or Juvenile Commitment in the Last 5 Years for (check ALL that apply) –

a. Violent Crime	2	2
b. Property Crime	0	1
c. Not as above	0	0

Criminal Orientation/Associates

8. Security Threat Group Membership

a. Confirmed Member	3	3
b. Suspected or None	0	0

Current Age

9. Current Age

a. 24 or Younger	2	1
b. Age 25-29	2	0
c. Age 30-37	1	0
d. Age 38-54	0	0
e. Age 55 or Older	0	-1

Total Scores

Violence Score Categories

Low	-1 to 2
Moderate	3 to 5
High	6 to 9
Very High	10+

Victimization Score Categories

Low	-1 to 1
Low/Moderate	2 to 3
Moderate/High	4 to 7
High	8+

Appendix B: Iowa Code § 901B.1. Corrections continuum—intermediate criminal sanctions program

1. The corrections continuum consists of the following:
 - a. LEVEL ONE. Noncommunity-based corrections sanctions including the following:
 - (1) Self-monitored sanctions. Self-monitored sanctions which are not monitored for compliance including, but not limited to, fines and community service.
 - (2) Other than self-monitored sanctions. Other than self-monitored sanctions which are monitored for compliance by other than the district department of correctional services including, but not limited to, mandatory mediation, victim and offender reconciliation, and noncommunity-based corrections supervision.
 - a. LEVEL TWO. Probation and parole options consisting of the following:
 - a. Monitored sanctions. Monitored sanctions are administrative supervision sanctions which are monitored for compliance by the district department of correctional services and include, but are not limited to, low-risk offender-diversion programs.
 - b. Supervised sanctions. Supervised sanctions are regular probation or parole supervision and any conditions established in the probation or parole agreement or by court order.
 - c. Intensive supervision sanctions. Intensive supervision sanctions provide levels of supervision above sanctions in subparagraph (2) but are less restrictive than sanctions under paragraph "c" and include electronic monitoring, day reporting, day programming, live-out programs for persons on work release or who have violated chapter 321J, and institutional work release under section 904.910.
 - c. LEVEL THREE. Quasi-incarceration sanctions. Quasi-incarceration sanctions are those supported by residential facility placement or twenty-four hour electronic monitoring including, but not limited to, the following:
 - (1) Residential treatment facilities.
 - (2) Operating while intoxicated offender treatment facilities.
 - (3) Work release facilities.
 - (4) House arrest with electronic monitoring.
 - (5) A substance abuse treatment facility as established and operated by the Iowa department of public health or the department of corrections.
 - d. LEVEL FOUR. Short-term incarceration designed to be of short duration, including, but not limited to, the following:
 - (1) Twenty-one day shock incarceration for persons who violate chapter 321J.
 - (2) Jail for less than thirty days.
 - (3) Violators' facilities.
 - (4) Prison with sentence reconsideration.
 - d. LEVEL FIVE. Incarceration which consists of the following:
 - (1) Prison.
 - (2) Jail for thirty days or longer.
2. "Intermediate criminal sanctions program" means a program structured around the corrections continuum in subsection 1, describing sanctions and services available in each level of the continuum in the district and containing the policies of the district department of correctional services regarding placement of a person in a particular level of sanction and the requirements and conditions under which a defendant will be transferred between levels in the corrections continuum under the program.
3.
 - a. Each judicial district and judicial district department of correctional services shall implement an intermediate criminal sanctions program.
An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.
 - b. The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.
 - c. A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights.
4.
 - a. The district department of correctional services shall place an individual committed to it under section 907.3 to the sanction and level of supervision which is appropriate to the individual based upon a current risk assessment evaluation. Placements may be to levels two and three of the corrections continuum. The district department may, with the approval of the Iowa department of public health and the department of corrections, place an individual in a level three substance abuse treatment facility established pursuant to section 135.130, to assist the individual in complying with a condition of probation. The district department may, with the approval of the department of corrections, place an individual in a level four violator facility established pursuant to section 904.207 only as a penalty for a violation of a condition imposed under this section.
 - b. The district department may transfer an individual along the intermediate criminal sanctions program operated pursuant to subsection 3 as necessary and appropriate during the period the individual is assigned to the district department. However, nothing in this section shall limit the district department's ability to seek a revocation of the individual's probation pursuant to section 908.11.

END NOTES

- ¹ Iowa Bd. of Parole, *Annual Report Fiscal Year 2015* at 2 (2015), <http://www.bop.state.ia.us/Document/1051> [Hereinafter *Annual Report 2015*].
- ² Iowa Code § 904A.4.
- ³ Iowa Admin. Code r. 201-45.1. Each supervision district in Iowa goes by a separate number (i.e. First Judicial District Department of Correctional Services).
- ⁴ Iowa Code § 908.4.
- ⁵ Iowa Bd. of Parole, *Annual Report Fiscal Year 2014* (2014), <http://www.bop.state.ia.us/Document/1001>.
- ⁶ See, e.g. Iowa Prac. Series Crim. Law § 32:73 (4th Ed.) (Database updated Oct. 2015).
- ⁷ Iowa Code § 902.3.
- ⁸ Iowa Code § 902.9.
- ⁹ Iowa Code § 902.1.
- ¹⁰ Iowa Code § 902.8 (“A habitual offender is any person convicted of a class “C” or a class “D” felony, who has twice before been convicted of any felony in a court of this or any other state, or of the United States. An offense is a felony if, by the law under which the person is convicted, it is so classified at the time of the person’s conviction. A person sentenced as a habitual offender shall not be eligible for parole until the person has served the minimum sentence of confinement of three years.”).
- ¹¹ Iowa Admin. Code r. 205-8.2.
- ¹² Iowa Code § 901.11.
- ¹³ See, e.g., Iowa Admin. Code r. 205-8.2.
- ¹⁴ Iowa Code §§ 902.7, 902.11.
- ¹⁵ Iowa Code § 902.12. Juveniles who commit crimes listed in §902.12 and are convicted in adult court are not subject to this mandatory minimum. See, e.g. *State v. Lyle*, 854 N.W. 2d (Iowa 2014).
- ¹⁶ Iowa Code § 902.1. However, juveniles convicted of Class A felonies in adult court cannot receive a sentence of life without parole. See, e.g. *State v. Sweet*, 879 N.W.2d 811 (Iowa 2016).
- ¹⁷ This sentence is for Conspiracy to Manufacture for Delivery or Intent or Conspiracy to Deliver Amphetamine or Methamphetamine to a Minor under Iowa Code § 124.401D.
- ¹⁸ Iowa Code § 906.5(1)(a).
- ¹⁹ Iowa Code § 903A.2(1)(a), (b).
- ²⁰ Iowa Code § 903A.5.
- ²¹ Iowa Code § 906.4(1).
- ²² *Id.*
- ²³ Iowa Admin. Code r. 205-8.10(2).
- ²⁴ Iowa Admin. Code r. 205-8.5.
- ²⁵ Annual Report 2015, *supra* note 1 at 7.
- ²⁶ Iowa Bd. of Parole, *Annual Report Fiscal Year 2013* at 22 (2013), <http://www.bop.state.ia.us/Document/69> [Hereinafter *Annual Report 2013*].
- ²⁷ Correspondence with John F. Hodges, Chair of the Iowa Board of Parole (Aug. 4, 2016); See also Nicholas Chadwick, Carleton Univ., *Validating the Dynamic Risk Assessment for Offender Re-entry (DRAOR) in a Sample of U.S. Probationers and Parolees* (2014), https://curve.carleton.ca/system/files/etd/f43f2b17-42cf-4792-8ddc-351682dee8bf/etd_pdf/8d62344989677d92606d69f69843364d/chadwick-validatingthedyamicriskassessmentforoffender.pdf.
- ²⁸ Iowa Dep’t of Corr., *Statistical Validation of the ISORA8 & Stat-ic-99* (2010), <https://www.legis.iowa.gov/docs/publications/SD/12256.pdf>.
- ²⁹ *Id.* at 7.
- ³⁰ Cheryl Davidson, Iowa Dep’t of Human Rights, *2012 Iowa Board of Parole Risk Assessment Validation* (2012), https://www.humanrights.iowa.gov/sites/default/files/media/BOP_Risk_Assessment_Validation_Report_2012%5B1%5D.pdf.
- ³¹ Iowa Admin. Code r. 205-6.5.
- ³² Iowa Admin. Code r. 205-6.4.
- ³³ Iowa Bd. of Parole, *Frequently Asked Questions/Information*, <http://www.bop.state.ia.us/BoardFaq> (last visited Jul. 6, 2016). In 2004, the Iowa Legislative Services Agency: Fiscal Services Agency studied the issue of aging and illness in the Iowa prison population. The agency came forth with a number of recommendations including the implementation of a compassionate release protocol but it appears such a resolution was ultimately rejected. See Iowa Legislative Serv. Agency Fiscal Serv., *Medical Costs of the State Prison System* (2004), <https://www.legis.iowa.gov/docs/publications/IR/2739.pdf>.
- ³⁴ Correspondence with John F. Hodges, Chair of the Iowa Board of Parole (Aug. 4, 2016).
- ³⁵ Iowa Admin. Code r. 205-14.3 - 205-14.5.
- ³⁶ Annual Report 2015, *supra* note 1, at 19.
- ³⁷ Iowa Admin. Code r. 205-8.13.
- ³⁸ Iowa Admin. Code r. 205-8.12.
- ³⁹ Iowa Admin. Code r. 205-8.8.
- ⁴⁰ Iowa Admin. Code r. 205-8.10. The Board may request a complete psychiatric or psychological evaluation of an inmate whenever, in the opinion of the Board, it would be beneficial to the Board’s decision.
- ⁴¹ Correspondence with John F. Hodges, Chair of the Iowa Board of Parole (Aug. 4, 2016); See also Annual Report 2015, *supra* note 1, at 7.
- ⁴² Iowa Admin. Code r. 205-8.12.
- ⁴³ Iowa Admin. Code r. 205-8.14(2)(d).
- ⁴⁴ Iowa Admin. Code r. 205-6.4.
- ⁴⁵ Iowa Admin. Code r. 205-6.2(2).
- ⁴⁶ Iowa Admin. Code r. 205-6.5.
- ⁴⁷ Iowa Code § 906.7. The Board will accept statements in writing from an attorney along with an affidavit stating whether any fee has been paid for their services.
- ⁴⁸ Correspondence with John F. Hodges, Chair of the Iowa Board of Parole (Aug. 4, 2016).
- ⁴⁹ Iowa Admin. Code r. 205-7.3 et seq.
- ⁵⁰ Iowa Admin. Code r. 205-6.1.
- ⁵¹ Iowa Admin. Code r. 205-8.14(1) Persons from the public wishing to appear before the board must submit their requests to the business office at least three days prior to the business meeting. Members of the public wishing to attend board meetings conducted in Department of Corrections penal institutions must consult, in advance, Department of Corrections administrative rules relating to visitation and public access. Iowa Admin. Code r. 205-1.4(7).
- ⁵² Iowa Admin. Code r. 205-8.16.
- ⁵³ Iowa Admin. Code r. 205-15.1.
- ⁵⁴ Iowa Admin. Code r. 205-15.2.
- ⁵⁵ Iowa Admin. Code r. 205-15.3.
- ⁵⁶ Iowa Admin. Code r. 205-15.4.
- ⁵⁷ Iowa Admin. Code r. 205-15.5.
- ⁵⁸ See, e.g., *Johnson v. Dep’t of Corr.* 635 N.W. 2d 487 (Iowa Ct. App. 2001).
- ⁵⁹ *Bright v. State*, 732 N.W.2d 33 (table) (Iowa Ct. App. 2008) citing *Jago v. Van Curen*, 454 U.S. 14 (1981). See also Iowa Code § 908.1 (“If a parole officer has newly discovered evidence which indicates that a person released on parole should not have been granted parole originally, the parole officer shall present the evidence to the board of parole and the board may issue an order to rescind the parole.”).
- ⁶⁰ *Id.*, Iowa Admin. Code r. 205-1.4.
- ⁶¹ Mariel E. Alper, Robina Institute, *By the Numbers: Parole Release and Revocation Across 50 States* at 203 (2016).
- ⁶² Dep’t of Corr., *Fiscal Year 2015 Annual Report* at 6 (2015), <http://www.doc.state.ia.us/UploadedDocument/544>.
- ⁶³ *State v. Sallis*, 786 N.W.2d 508, 517 (Iowa Ct. App. 2009).
- ⁶⁴ Iowa Code § 901B.1.
- ⁶⁵ See Iowa Admin. Code r. 205-10.2.
- ⁶⁶ Iowa Code §§ 903B.1–2.

END NOTES

- ⁶⁷ *Id.*
- ⁶⁸ Iowa Admin. Code r. 201-45.6.
- ⁶⁹ Iowa Admin. Code r. 205-10.2.
- ⁷⁰ Iowa Admin. Code r. 205-11.7(10)(d).
- ⁷¹ Iowa Admin. Code r. 205-45.2.
- ⁷² *Id.*
- ⁷³ *Id.*
- ⁷⁴ Iowa Code § 908.5.
- ⁷⁵ Iowa Code § 905.14.
- ⁷⁶ Correspondence with John F. Hodges, Chair of the Iowa Board of Parole (Aug. 4, 2016).
- ⁷⁷ Iowa Admin. Code r. 201-45.2.
- ⁷⁸ Iowa Code § 910.5.
- ⁷⁹ See, e.g. Iowa Code § 252B.1 et seq.
- ⁸⁰ Iowa Admin. Code r. 205-45.2.
- ⁸¹ Iowa Code §§ 909.2, .7.
- ⁸² Annual Report 2015, *supra* note 1, at 15–16. The total number of revocations includes sex offenders who are subject to “special sentence supervision.”
- ⁸³ Mariel E. Alper, Robina Institute, *By the Numbers: Parole Release and Revocation Across 50 States* at 203 (2016).
- ⁸⁴ Danielle Kaeble *et al.*, U.S. Dep’t. of Justice Bureau of Justice Statistics, *Probation and Parole in the United States, 2014* at 20 (2015).
- ⁸⁵ Iowa Code § 901B.1.
- ⁸⁶ Iowa Admin. Code r. 205-11.6.
- ⁸⁷ Iowa Admin. Code r. 205-11.5.
- ⁸⁸ Iowa Admin. Code r. 205-11.6.
- ⁸⁹ Iowa Code § 908.1.
- ⁹⁰ Iowa Admin. Code r. 205-11.6.
- ⁹¹ Iowa Code § 908.2.
- ⁹² Iowa R. Crim. P. 2.2.
- ⁹³ Iowa Code § 908.2.
- ⁹⁴ Iowa Code § 908.4.
- ⁹⁵ Iowa Code §§ 908.10, .10A.
- ⁹⁶ Iowa Admin. Code r. 205-11.12(3).
- ⁹⁷ Iowa Code § 908.2A. An attorney may be appointed if: “(a) the alleged parole violator requests appointment of an attorney; (b) the alleged parole violator is determined to be indigent as defined in section 815.9; (c) the appointing authority determines each of the following: (1) The alleged parole violator lacks skill or education and would have difficulty presenting the alleged parole violator’s case, particularly if the proceeding would require the cross-examination of witnesses or would require the submission or examination of complex documentary evidence; and (2) The alleged parole violator has a colorable claim the alleged violation did not occur, or there are substantial reasons that justify or mitigate the violation and make any revocation inappropriate under the circumstances.”
- ⁹⁸ Iowa Code § 908.4.
- ⁹⁹ Iowa Admin. Code r. 205-11.7.
- ¹⁰⁰ Iowa R. Crim. P. 2.2. Evidence “may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.”
- ¹⁰¹ Iowa Admin. Code r. 205-11.7.
- ¹⁰² Iowa Code § 901B.1.
- ¹⁰³ Iowa Admin. Code r. 205-11.7(10)(b).
- ¹⁰⁴ Iowa Code § 906.16.
- ¹⁰⁵ Iowa Admin. Code r. 205-11.7(10)(a).
- ¹⁰⁶ Iowa Admin. Code r. 205-11.7.
- ¹⁰⁷ Iowa Admin. Code r. 205-11.8.
- ¹⁰⁸ *Id.*
- ¹⁰⁹ *Frazee v. Iowa Bd. of Parole*, 248 N.W. 2d 80, 83 (Iowa 1976).
- ¹¹⁰ Iowa Code § 882.2; *Miller v. State*, 801 N.W.2d 627 (table) (Iowa Ct. App. 2011).
- ¹¹¹ Iowa Code § 882.7.
- ¹¹² Iowa Code §§ 906.5, 908.5.
- ¹¹³ Iowa Code § 908.5.
- ¹¹⁴ Iowa Code § 904A.1 et seq.
- ¹¹⁵ Annual Report 2015, *supra* note 1, at 2.
- ¹¹⁶ *Id.*
- ¹¹⁷ Iowa Code §§ 904A.1, A.3, A.4C.
- ¹¹⁸ Iowa Code § 904A.2A.
- ¹¹⁹ *Id.* In other words, the political/demographic requirements must be met by the five board members selected, rather than the eight total members/alternate members.
- ¹²⁰ Iowa Code §§ 69.16, 69.16A, 69.16C.
- ¹²¹ Iowa Code §§ 904A.1, A.3.
- ¹²² Iowa Code § 69.15.
- ¹²³ Iowa Code § 66.1A.
- ¹²⁴ Iowa Code § 66.10.
- ¹²⁵ Annual Report 2015, *supra* note 1, at 6.
- ¹²⁶ *Id.* at 9, 15.
- ¹²⁷ Iowa Bd. of Parole, *Annual Reports*, <http://www.bop.state.ia.us/AnnualReports> (last visited July 6, 2016).
- ¹²⁸ Iowa Admin. Code r. 205-6.3. Information that is available to anyone includes the inmate’s name, age, sex, parole status, location (except home address), duration of supervision, offense(s) for which the individual is being supervised, county of commitment, arrest and detention orders, physical description, types of services received, and disciplinary reports which have been referred for prosecution as well as some information from other disciplinary reports. The home address, department evaluations, medical, psychiatric, or psychological information, names of associates or accomplices, name of employer, social security number, prior criminal history, family and personal history, and many other parts of the file are not available for public review. Iowa Code § 904.602.