

Sixth District Department of Correctional Services POLICY	Issue Date 06/23/92	Effective Date 04/20/17	Policy Number 402-17
Subject <b>PROBATION AGREEMENT</b>		Review Month March	Author 0102/0344 (JAL/CFR)
Rescinds 402-09	References - Code of Iowa, Secs. 907.2, 907.6, 907.8		

**POLICY:**

All offenders placed on probation sign a Probation Agreement.

**DEFINITION:**

1. Probation Agreement - Written statement of the conditions of supervision which is signed by an offender.
2. Special Condition - Requirement of probation which supplements the standard probation conditions.

**PROCEDURE:**

1. Upon receipt of the file, the Agent reviews the order placing offender on supervision to ensure the Probation Agreement (402A) is accurate and includes the special conditions as set forth in the order. The Agent ensures the Probation Agreement is signed by the offender within two (2) weeks of receipt of the case file by the Agent. If this requirement cannot be met, the Agent consults with the Supervisor and documents the circumstances in ICON.
  - A. If the Agent believes special conditions which are not part of the order for supervision are necessary, the Agent adds the special conditions.
  - B. In setting special conditions which are not part of the supervision order, the Agent weighs:
    - 1) Offender protective factors, rehabilitation and community protection.
2. Special conditions must be reasonably related to the offense or the offender; i.e. there must be a logical connection between the special condition and the offense for which the person is under supervision or the offender's circumstances. For example, if the person has not been convicted of a substance abuse related offense and there is no indication of substance abuse, a special condition requiring abstinence from alcohol and a substance abuse evaluation would likely be invalid.

**POLICY NUMBER 402-17**  
**PAGE 2 OF 2**

**PROCEDURE:** (continued)

- A. Agent may select/add Special Conditions by using the Field and Residential Rules screen in ICON.
  - B. Case Manager Rules can be added if unique enough that the Special Condition choices don't meet the requirement.
3. The Agent reads and fully explains the Probation Agreement to the offender and answers all the offender's questions.
- A. If the offender agrees to the Probation Agreement, the offender signs and dates it and the Agent witnesses the offender's signature. The offender and Agent place their initials and the date after each special condition.
  - B. If the offender refuses to sign the Probation Agreement, the Agent consults with the Supervisor and documents this in ICON.
4. When the offender's supervision is transferred from another Judicial District, the offender signs the sending District's Probation Agreement which is generated from ICON. ICON template agreement must also be generated so that offender can sign off on the Search and Seizure rule for Sixth District. Once case is accepted, that special condition is added to ICON.
5. When the offender's supervision is transferred to another Agent, the Probation Agreement may be reviewed again at the receiving Agent's discretion. If this is done, the offender and Agent place their initials and the date of the review at the bottom of the Probation Agreement.
6. Offender is given a copy of the signed agreement(s) and the other signed copy is placed in the file.

BY ORDER OF:

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Bruce Vander Sanden, Director