

Sixth District Department of Correctional Services POLICY	Issue Date 05/10/91	Effective Date 05/07/18	Policy Number 413-18
Subject EXTENSION OF PROBATION		Review Month March	Author 0323 RER)
Rescinds 413-16A	References Iowa Code Secs. 907.2, 907.7, 908.11		

POLICY:

Extensions of probation may be sought when the offender has not satisfactorily complied with specific requirements of supervision but the maximum possible length of probation has not yet been attained. If a probation violation is established following an Application for Revocation, the Court may extend the period of probation for up to one (1) year including one (1) year beyond the maximum period.

DEFINITION:

1. Discharge date - The date on which probation supervision ceases as set by the Court.

PROCEDURE:

1. Not less than thirty (30) days prior to the discharge date, the Agent reviews the offender's performance. If, in the judgment of the Agent, the offender's performance is deficient in some respect(s), but a Report of Violation (Policy 411) is not indicated, the Agent may seek an extension of the probationary period. Some examples of deficient performance include:
 - A. Restitution is owed and the offender could pay it in full if given more time.
 - B. The offender recently completed a rehabilitation program and the Agent believes additional supervision may assist the offender in continuing responsible behavior.
 - C. The offender has violated probation and the Agent believes further supervision may aid in the offender's rehabilitation.
2. The maximum length of probation for a felony offense is five (5) years and, for a misdemeanor, two (2) years. If a probation violation is established following an Application for Revocation, the Court may extend the period of probation for up to one (1) year including one (1) year beyond the maximum period.

PROCEDURE: (continued)

3. After the Agent decides an extension of probation is appropriate, the offender is informed of the following:
 - A. The reason(s) the extension is being sought;
 - B. The maximum length of the extension;
 - C. That if offender satisfactorily addresses the deficiencies prior to the expiration of the extension, a discharge request will be submitted, assuming no violations of probation occur;
 - D. That if the offender violates probation at any time during the extension, a Report of Violation may be submitted;
 - E. That if the offender refuses to sign the Application for Extension a Report of Violation may be submitted.
4. The Agent completes the Application for Extension (413A) which is signed by the offender, witnessed by the Agent, and approved by the Supervisor.
5. The Application for Extension along with an Order is filed with the court via EDMS.
6. The original signed application is kept in file and when filed-stamped order is received, data entry is completed in ICON and order is placed in file.

BY ORDER OF:

Bruce Vander Sanden, District Director