

Sixth District Department of Correctional Services POLICY	Issue Date 05/10/91	Effective Date 05/10/19	Policy Number 415-19
Subject DISCHARGE REQUEST AND RESTORATION OF CITIZENSHIP RIGHTS		Review Month December	Author 0323 (RER)
Rescinds 415-18	References Outlook/Public Folders/ICON/Business Rules-CBC Sections 907.7 and 907.9, Code of Iowa Article II, Sec. 5, Iowa Constitution Iowa Supreme Court case Chiodo v. Panel (2014) Iowa Court Rules Chapter 26		

POLICY:

Requests for discharge are submitted when the Agent determines the offender has achieved maximum benefits of supervision and/or as mandated by the Iowa Code. Discharge requests contain a recommendation from the Agent as to the restoration of citizenship rights in applicable cases.

PROCEDURE:

1. Discharge requests are filed with the Court no less than thirty (30) days before the term of probation expires. The maximum probation term for a felony offense is five (5) years; the minimum term is two (2) years. The maximum probation term for a misdemeanor offense is two (2) years; the minimum term is one (1) year.
2. In determining a request for discharge, the Agent considers protection of the community and rehabilitation of the offender, to include satisfactory:
 - A. Compliance with treatment programs;
 - B. Employment;
 - C. Education;
 - D. Payment of restitution, fines, and supervision fees;
 - E. Protective factors;
 - F. Offender support system;
 - G. Overall adjustment while under supervision.
3. For those offenders who were deported; thirty (30) days prior to the conclusion of the term of supervision, the Agent verifies with U.S. Immigration and Customs Enforcement (ICE) that the offender was deported and ascertains the date. The Agent runs an NCIC report to ensure no other offenses were incurred by the offender during the period of supervision. Following this verification, the Agent proceeds to discharge.

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PROCEDURE: (continued)

4. Offenders with unpaid court fees such as restitution, fines, and supervision fees are not recommended for early discharge.
5. Offenders on supervision for sex offenses are not recommended for early discharge.
6. The Field Discharge Report (415A) is completed in ICON. The appropriate Discharge Order (415B) is merged, attached to the ICON report and submitted to Supervisor for review and signature.
7. In cases involving convictions for felony offenses, the Agent makes a recommendation to restore citizenship rights unless:
 - A. The offender has not paid all financial obligations in full;
 - B. The offender's adjustment to supervision is poor.
 - C. The Offender did not have citizenship status prior to supervision due to being foreign born. In this case the Agent chooses Not Applicable.
8. When signed by the Supervisor, the Discharge Report and court order are EDMS_submitted to the sentencing Judge via the County Attorney.
9. At this time, the Field Discharge Report is "*submitted*" in ICON.
10. When the order discharging the offender from probation is received, the order is processed by clerical for ICON data entry, the file is closed and placed in "closed file" storage.
11. The Agent makes an effort to inform the offender of the discharge status and facilitates getting a copy of the discharge order to the offender, explaining that this is an important document worth safekeeping.
12. Offenders convicted of felony offenses are given information on how to access Restoration of Citizenship Rights via the Iowa Governor's website:
<https://governor.iowa.gov/services/voting-rights-restoration>

BY ORDER OF:

Bruce Vander Sanden, District Director