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| Sixth District Department of Correctional Services POLICY | Issue Date 04/27/93 | Effective Date 06/01/17 | Policy Number 2532-17 |
| Subject CASE REVIEW | | Review Month December | Author 0120 (CDE) |
| Rescinds 1332-02; 1432-02A | References | | |

PURPOSE:

The purpose of the case review is to determine whether a resident has violated Work Release/OWI rules, and/or has not met expectations, to an extent that warrants transfer to a security institution and termination of residential status.

POLICY:

The Department of Corrections reviews and assigns any offender recommended for reclassification or transfer by a judicial district department of correctional services when that offender is unable or unwilling to meet work release, Iowa Code 321J OWI, or OWI pre-placement program expectations.

PROCEDURE:

1. Reasons for Transfer - Staff are expected to utilize intermediate sanctions, available interventions, consider an offender's protective factors, risk and significant threat to the community prior to considering a transfer.
 - A. Reasons for transfer may include but are not limited to the following:
 - 1) The offender has failed to follow the work release/OWI/pre-placement agreement;
 - 2) The offender has failed or refused to participate in the program or is disruptive to the program or to others participating;
 - 3) The offender has serious or repeated major rule violations; and it has been determined the offender can no longer be safely managed in the community.
 - 4) The offender has escaped from the program;
 - 5) The offender has a medical or psychological condition which cannot be managed in the work release, OWI, or OWI pre-placement program;
 - 6) Any other factors, circumstances that result in the offender not being a good candidate for residential community release.

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PROCEDURE: (continued)

2. Transfer Review Request

- A. Placement of a Work Release, OWI or OWI Pre-Placement offender in jail is authorized by the Central Officer WR/OWI coordinator/designee. Offenders may be removed if an imminent threat arises however the WR/OWI coordinator/designee is to be notified immediately and no later than the next business day.
- B. The residential facility conducts a classification review involving at least a Residential Division Manager/Residential Probation Supervisor and a Probation/Parole Officer to determine if the transfer of an offender is recommended. Consideration is given to the intermediate sanctions and interventions utilized, offender protective factors, risk and significant threat to the community.
- C. This review is documented in Iowa Corrections Offender Network (ICON) Generic notes.
- D. The Division Manager/Supervisor contacts the Central Office WR/OWI coordinator/designee and discusses the reasons for the transfer.
- E. The WR/OWI coordinator/designee documents in Generic Notes and makes a determination as to whether or not staff proceeds with the Report of Violation-WR/OWI, Transfer Classification Notice.
- F. If it is determined that a transfer is not warranted, the offender remains in their current status and the ICON Generic Note indicates the reason for the decision. When a transfer is recommended, facility staff immediately complete all related disciplinary hearing(s) including those involving any pending charges. The Residential PPO then completes the Report of Violation WR/OWI, Transfer Classification Notice. The notice includes the reasons for the requested transfer.
- G. When the Transfer Classification Notice is completed it's submitted in ICON for a decision to be determined by the WR/OWI coordinator/designee.
- H. While awaiting a decision of transfer, the offender may be held in the residential facility, jail, mental health facility or hospital depending upon their security risk or psychological/ medical needs. Every effort is made to minimize jail confinement costs.

3. Decision:

- A. The WR/OWI coordinator/designee reviews the offender's institutional file, automated records or other pertinent information to render a final decision within three (3) working days. The decision may be deferred pending the need for further investigation or clarification. In an effort to reduce confinement costs, transfer decisions are completed daily.

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PROCEDURE: (continued)

- B. The WR/OWI coordinator/designee, may exercise the following options:
 - 1) Allow the offender to remain on work release/OWI/OWI pre-placement;
 - 2) Transfer the offender to a secure institution.
 - C. The decision to transfer may be rescinded within thirty (30) days and the offender may be reinstated to the program. An additional Transfer Classification Decision is submitted documenting reasons for the reinstatement.
 - D. Residential facility staff provides the offender with a copy of the Report of Violation-WR/OWI, Transfer Classification Notice and the Transfer Decision prior to movement to prison.
4. Appeal:
- A. Upon receipt of the written Notification of the Transfer Classification Decision, the offender may appeal in writing to the address noted on the Decision form.
 - B. The appeal is submitted within seventy two (72) hours of receipt of the written notification.
 - C. The appeals officer responds, in writing, within thirty (30) working days of receipt of the written appeal.
 - D. If an appeal is not processed within the time frame(s), staff is still required to provide an appeal response as soon as practical.
 - E. Nothing in these rules preclude further review of transfer from release status to incarceration by initiative of the Deputy Director whether or not the offender has filed an appeal of the transfer classification. Within sixty (60) days of either the effective date of the transfer or response to appeal of the transfer, a Deputy Director may review the circumstances of the transfer classification and, in the interest of justice, reinstate the offender to release status. Following sixty (60) days of transfer or appeal response, a Deputy Director may reinstate the offender to release status only with agreement of the Chair or Vice Chair of the Iowa Board of Parole.

BY ORDER OF:

Bruce Vander Sanden, Director