

Sixth District Department of Correctional Services POLICY		Issue Date 05/10/91	Effective Date 08/15/22	Policy Number 415-22
Subject DISCHARGE REQUEST AND RESTORATION OF VOTING RIGHTS			Review Month December	Author 0323 RER
Rescinds 415-21	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, Executive Order 7 (08/05/2020)			

POLICY:

Requests for discharge are submitted when the Agent determines the client 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 client, to include satisfactory:
 - A. Compliance with treatment programs;
 - B. Employment;
 - C. Education;
 - D. Payment of restitution, fines, and supervision fees;
 - E. Protective factors;
 - F. Client support system;
 - G. Overall adjustment while under supervision.
3. The supervising agent requests an NCIC report thirty (30) days prior to the client's supervision discharge date to ensure no new arrests have occurred while on supervision and there are no outstanding warrants at the time the discharge report is completed.
4. For those clients 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 client was deported and ascertains the date. The Agent runs an NCIC report to ensure no other offenses were incurred by the client during the period of supervision. Following this verification, the Agent proceeds to discharge.

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PROCEDURE: (continued)

5. Clients with unpaid court fees such as restitution, fines, and supervision fees are not recommended for early discharge.
6. Clients on supervision for sex offenses are not recommended for early discharge.
7. The Field Discharge Report (415A) is completed in ICON and submitted to Supervisor for review and signature.
8. Clients convicted of a felony may have their voting rights automatically restored upon discharge or may be required to complete an application for such, depending on the conviction offense. Those convicted of any of the felony homicide code sections (Section 707.1 through 707.11) are not covered by Executive Order 7. Individuals convicted of one of those crimes will need to apply to the Governor for restoration of voting rights. The application and additional information at the Governor's Website:
<http://www.governor.iowa.gov> or <https://restoreyourvote.iowa.gov/>
9. SPECIAL RESTORATION OF CITIZENSHIP (FIREARMS RIGHTS)

Clients may apply for Special Restoration of Citizenship (Firearms Rights) by completing the application located on the Governor's Website:
<http://www.governor.iowa.gov> or <https://restoreyourvote.iowa.gov/>
10. When signed by the Supervisor, the Discharge Report is forwarded to support staff who then generate the appropriate Discharge Order (415B) from ICON Templates. Support staff forward both the report and order to the County Attorney via email, and submit the Discharge Report in ICON same date as it was emailed.
11. When the order discharging the client from probation is received, the order is processed by clerical for ICON data entry, the file is closed and placed in "closed file" storage.
12. The Agent makes an effort to inform the client of the discharge status and facilitates getting a copy of the discharge order to the client, explaining that this is an important document worth safekeeping.

BY ORDER OF:

Bruce Vander Sanden, District Director