

IN THE THIRD JUDICIAL DISTRICT COURT OF IOWA

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Administrative Order Approving the Intermediate Criminal Sanctions Plan  
for the Third Judicial District:

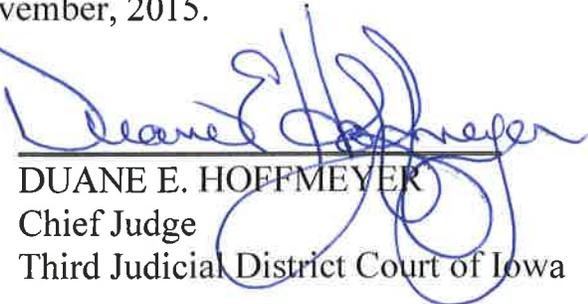
Administrative Order 2015-1116 # 14

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To provide for a corrections continuum of service and in accordance with Iowa Code Section 901B.1, the attached *Intermediate Criminal Sanctions Plan Revised November 2015*, is approved along with the client grievance process identified on the attached.

The district court administrator shall notify the Director of the Third Judicial District Dept. of Corrections and file a copy of this order and attached plan and grievance process with each clerk of court in the Third Judicial District.

Dated this 16<sup>th</sup> day of November, 2015.

  
DUANE E. HOFFMEYER  
Chief Judge  
Third Judicial District Court of Iowa

Copy to: Steve Scholl, D3-Clerks of Court

INTERMEDIATE CRIMINAL SANCTIONS PLANPOLICY:

To design and effect an Intermediate Criminal Sanctions Program in accordance with the corrections continuum in Section 901B.1, Code of Iowa, in a manner that provides services free of disparities based upon an individual's race, color, creed, ethnic origin, gender, age, religious or political affiliation, and physical or mental disability; and, to operate the program in accordance with a plan adopted by the Chief Judge of the Judicial District and the Director of the Judicial District Department of Correctional Services.

INTRODUCTION:

Legislation passed during the 1996 Legislative Session under House File 2458, in accordance with Section 901B.1 of the Iowa Code, requires judicial districts to adopt Intermediate Criminal Sanctions plans and develop conforming programs targeted towards reducing probation revocations to prison through the use of incremental, community-based sanctions for probation violations. The plan is subject to rules adopted by the Department of Corrections and shall include provisions for transferring individuals between levels in the continuum. The provision shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available. A copy of the program and plan is to be on file with the Chief Judge of the Judicial District, the Department of Corrections, and the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights.

LEVELS:

CODE	OPTIONS	AVAILABLE IN DISTRICT
Level Two	Low-Risk Probation	Serious/Simple -Misdemeanor caseload
	Regular Probation and Parole	Probation and Parole
	Intensive Programs	Electronic Monitoring for ISP Parole
	Drug Court	Specialty Program
	Veterans Court	Specialty Program
	Moving On	Cognitive Education for Females
	Thinking for a Change	Cognitive Education for Males and Females
	SCRAM Bracelet	Alcohol Monitoring for Probation or Parole
Level Three	Residential Treatment Facilities	RTF
	OWI Treatment Facilities	RTF
	Work Release Facilities	RTF
Level Four		
Sub level 4	Prison with Reconsideration	Following Court Approval

PROCEDURES:

1. Presentence Investigations may include a recommendation that the defendant be committed to the Third Judicial District Department of Correctional Services for supervision or services under Section 901B.1 at the level of sanctions which the district department determines to be appropriate.
2. For those not placed on a Low Risk Probation caseload, the supervising officer will complete a CBC Risk Assessment and will supervise the client in the level of supervision thus derived (unless an override is appropriate as outlined in Department policy regarding risk assessment and level of supervision).
3. If the individual's compliance with supervision requires transfer to a higher level on the continuum, a Report of Violation shall be provided by the supervising officer to the immediate supervisor noting the reasons and the recommendation. The client shall be provided with a copy of this report and notified of the right to appeal the transfer
4. Transfer process of an individual along the intermediate sanctions program shall be as follows:
  - A. **Moving to a lesser restrictive level** - The supervising officer will staff the case with a supervisor indicating the reasoning behind the transfer request.
  - B. **Moving to a greater, more restrictive level** - A report of Violation shall be provided by the supervising officer to the immediate supervisor noting the reasons for the limiting of liberty interests.
  - C. Copies of written reports and the opportunity to contest the transfer shall be made available to the client. Information concerning transfer process to be related to client at time of sign-up.
5. If violations are serious enough or if the individual is unlikely to cooperate with the proposed higher level of supervision, the recommendation of the Report of Violation may be to return to Court for further action, including serving of the original sentence.
6. Clients have the right to appeal movement to a more restrictive level of the continuum. (See: Client Grievance Process PROB #25).

## CLIENT GRIEVANCE PROCESS

### POLICY:

To provide a specific method of dealing with any client grievance so that all clients are treated fairly, equitably and without undue delay while seeking to meet the needs and objectives of the Department.

### INTRODUCTION:

At the time of probation sign up, all clients will be informed of the Department's grievance procedures and given a copy as stated in the agreement.

### PROCEDURE:

1. When a client makes it known to any employee of the Department that he or she wishes to file a grievance, it becomes incumbent upon that particular employee to explain the grievance as outlined in this procedure section. This also includes decisions made under the intermediate criminal sanctions plan.
2. The client should understand that they always have the right to talk to the staff member's supervisor about a problem. However all grievances must be filed in writing per the procedures below.
3. The client must submit a written statement to the appropriate office supervisor within three working days of the incident or alleged infraction. The client may, but need not, appear in person.
4. The office supervisor will investigate the grievance and provide written findings and a decision within seven working days of the initial receipt of the grievance statement.
5. The supervisor must explain that if the client is not satisfied with the response, he or she can appeal the response to the Director, in writing, within two working days of the receipt of the response.
6. If the client appeals to the Director, the Director shall investigate and respond within seven working days of the receipt of the client's appeal.
7. The Director must explain that if the client is not satisfied with the response, he or she can contact the Citizen's Ombudsman, private attorney, or court, to discuss the situation.

Citizen's Aid/Ombudsman  
Ola Babcock Miller Building  
1112 E. Grand Avenue  
Des Moines IA 50319  
1-888-426-6283