

# State of Iowa Department of Corrections

## Policy and Procedures

Policy Number: ISC-10

Applicability: DOC, CBC

Policy Code: Public Access

Iowa Code Reference: Chapter 907A

Chapter 7: INTERSTATE COMPACT

Sub Chapter: COMMUNITY BASED CORRECTIONS (CBC)

Related DOC Policies: N/A

Administrative Code Reference: Chapter 46.4(4)(ICAOS Rule 5.108)

Subject: COURTESY PROBABLE CAUSE HEARING INTERSTATE COMPACT CASES

Aca Standards: APPFS 3-3190, APPFS 3-3191

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Authority:

### 1. PURPOSE

To implement the provisions of the Interstate Compact for Adult Offender Supervision.

### 2. POLICY

It is the policy of the Iowa Department of Corrections (IDOC) that a compact client who has violated their conditions of supervision and facing revocation shall be afforded the opportunity for a probable cause hearing in Iowa consistent with due process requirements. **(APPFS 3-3191)**

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A. Parole or Probation Revocation

B. Report

C. Hearing

### 3. DEFINITIONS – As used in this document:

A. Interstate Commission for Adult Offender Supervision (ICAOS) - The governing commission that provides the rules and forms for Compact use.

B. See IDOC Policy **AD-GA-16** for additional Definitions.

## **4. PROCEDURES**

### **A. Parole or Probation Revocation**

1. Parole or probation revocation actions against individuals transferred under the Interstate Compact shall include a preliminary probable cause hearing conducted in the receiving state when at the time of initiation of revocation, provided the parolee or probationer was physically within a receiving state pursuant to transfer under the Compact.
2. The client shall be entitled to the following rights at the probable cause hearing:
  - a. Written notice of the alleged violations;
  - b. Disclosure of non-privileged or non-confidential evidence regarding the alleged violations;
  - c. The opportunity to be heard in person and to present witnesses and documentary evidence relative to the alleged violations;
  - d. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that a risk of harm to a witness exists.

### **B. Report**

1. The receiving state shall prepare and submit to the sending state a written report within 30 calendar days of the hearing that identifies the time, date and location of the hearing; lists the parties present at the hearing; and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering the decision.
2. Any evidence or record generated during a probable cause hearing shall be forwarded to the sending state.

### **C. Hearing**

If the hearing officer determines that there is probable cause to believe that the client has committed the alleged violations of conditions of supervision, the receiving state shall hold the client in custody, and the sending state shall notify the receiving state of the decision to retake or other action to be taken within 30 calendar days of receipt of the hearing officer's report and determination.

1. Preliminary probable cause hearings shall be subject to the procedures of the receiving state when not in conflict with the Compact.
2. An **ISC-10 F-2**, *Waiver of Courtesy Probable Cause Hearing* maybe accepted provided an admission by the client is made to one or more significant violations of the terms or conditions of supervision.
3. A copy of a judgment of conviction of a new felony offense by the client shall be deemed conclusive proof that a client may be retaken by a sending state without the need for further proceedings. A copy of the judgment of conviction of a new felony offense should be sent to the sending state as an attachment to an Offender Violation Report in ICOTS.