

State of Iowa Department of Corrections

Policy and Procedures

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Chapter 4: INSTITUTIONAL SERVICES

Sub Chapter: RELEASE

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1. PURPOSE

This policy establishes the guidelines and procedures for release of incarcerated individual/clients from the Iowa Department of Corrections (IDOC).

2. POLICY

It is the policy of the IDOC that each institution shall prepare incarcerated individual/client records, personal property, and financial matters prior to the release of incarcerated individual/clients to discharge, parole, work release, or court-related releases.

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3. DEFINITIONS

- A. Interstate Agreement on Detainers (IAD) - A compact entered into by virtually all states, the District of Columbia and the United States, and provides for the temporary transfer of incarcerated individual/clients who are wanted by other states for trial on criminal charges.

- B. Detainer - Copy of a warrant (for untried charges) filed by a criminal justice agency with the institution in which the incarcerated individual/client is incarcerated. The institution must either hold the incarcerated individual/client for the agency or notify the agency upon imminent release of the incarcerated individual/client.
- C. Sending state - State in which the prisoner is incarcerated and sends him/her to the state where the charges are pending. (Iowa)
- D. Receiving state - State in which the untried criminal charges are pending and receives temporary custody of the incarcerated individual/client for purposes of a trial.
- E. Anti-shuttling - Provision of the IAD forbidding a second transfer of custody to the receiving state because trial was not held or completed during the first transfer.
- F. Governor's Warrant - Original warrant of arrest and supersedes any existing fugitive warrant.
- G. Reconsideration of Sentence – **Code 902.4** – Per **Code 902.4** the Court "reconsiders" the prison sentence of the incarcerated individual/client and orders a release, usually to the supervision of Community Based Corrections.
- H. Court Order Release - The court issues an order to release the incarcerated individual/client from prison custody.
- I. Lodged - Warrant is received from the jurisdiction and a hold is placed on the incarcerated individual/client for those authorities.
- J. See IDOC Policy **AD-GA-16** for additional Definitions.

4. PROCEDURES

- A. Standard Procedures for all Release of incarcerated individual/clients. **(5-ACI-5F-05)**

1. DNA testing shall be conducted in accordance with IDOC Policy **IS-RL-05**, *DNA Profiling*, on all incarcerated individual/clients convicted or previously convicted of a felony or qualifying aggravated misdemeanors in Iowa or any other jurisdiction.
2. Sex Offender registration shall be completed in accordance with IDOC Policy **OP-SOP-01**, *Sex Offender Registry and Risk Assessment for Community Notification*.
3. Records offices shall ensure that a release checklist is completed prior to the release of an incarcerated individual/client for any reason (Refer to IDOC Policy **IS-RL-01 F-1**, *Release Checklist*). This includes conducting an NCIC check, reviewing Iowa Courts Information System (ICIS), ICON, and verifying the proper paperwork etc.
4. Personal papers shall be gathered and given to the incarcerated individual/client (i.e., driver's license, social security card, etc.). Upon release all incarcerated individual/clients shall receive a copy of the Iowa Corrections Offender Network (ICON) Department of Transportation form. A release letter shall be provided to the incarcerated individual/client upon EOS.
5. At the time of release, the incarcerated individual/client and personal belongings shall be inspected to ensure that no institutional property leaves, unless authorized by the institution. An exit photo shall be taken and entered into the ICON as the primary photo. Incarcerated individual/clients shall have a photo taken with and without glasses.
6. Release monies, transportation and properly fitted, presentable clothing appropriate to season shall be provided to incarcerated individual/clients being discharged, paroled, or placed on work release, in accordance with the schedule (Refer to IDOC Policy **IS-RL-01 F-2**, *Release Procedures Schedule*). Incarcerated individual/clients are eligible to receive gate money only one time during any 12 month period. Gate monies (gate allowance, bus ticket, incarcerated individual/client banking account balance) shall be forwarded to the work release institution within two working days of the incarcerated individual/client's release. In all other types of releases, applicable release funds shall be issued to the incarcerated individual/client. **(5-ACI-5D-08)**

7. Ten dollars cash may be given to each work release incarcerated individual/client at the time of release from the incarcerated individual/client's account. Exceptions must be approved by the Warden or designee. The balance of the account shall be forwarded to the work release facility residence immediately upon verification that all charges and credits are balanced. If there are not sufficient funds in the incarcerated individual/client's account to issue \$10.00 cash, the cash may be deducted from the incarcerated individual/client's gate allowance.
8. Individuals (Victims) who have contacted the IDOC and have requested in writing to be notified shall be contacted prior to the release of the incarcerated individual/client. ICON documentation of notification attempts (phone calls/letters) shall be noted in ICON victim comments. **(5-ACI-5F-06)**
9. Prior to release, staff shall verify the incarcerated individual/client's identity and release papers. After the Release of Money and Property Receipt is signed, the incarcerated individual/client shall be released.
10. The incarcerated individual/client shall immediately be taken off count upon release and ICON shall be updated by the assigned person.
11. A Notification of Incarcerated Individual/Client Release letter, including the exit photo, shall be sent electronically to the sheriff of commitment and residence county(ies) before the incarcerated individual/client's release (within five days if possible). The Sheriff is advised to also inform the relevant police departments, county attorney, sentencing judge, and Clerk of Court of the incarcerated individual/client's release.
12. The records office shall notify the sentencing judge of the release via email.

B. Expiration of Sentence Discharge

1. Two weeks before an incarcerated individual/client is due to discharge, the Records Administrator/Registrar shall notify the incarcerated individual/client's counselor that discharge is pending.

2. Each institution shall develop procedures so that staff has the following information: When the incarcerated individual/client shall discharge sentence (date and time), transportation arrangements, and forwarding address if obtained.
3. "Restoration of Citizenship" Information shall be provided to the incarcerated individual/client.
4. If the incarcerated individual/client is under on-going health treatment, the incarcerated individual/client shall be advised to seek community resources to address their health needs. See IDOC Policy **HSP-404**, *Dispensing Medication Administration*.

C. Parole

1. All paroles are granted by the Iowa Board of Parole (IBOP) except Corrections Compact incarcerated individual/clients in Iowa who shall be released by Iowa procedures with authority from the sentencing state.
2. Institutions are notified of paroles by the IBOP. Upon that notification, a Transfer Instance shall be entered into ICON by the assigned counselor and/or designee as needed.
3. ICON shall be used by Community Based Corrections (CBC) to obtain incarcerated individual/client release information from records such as the Personal History Data Sheet, Validated Risk Needs Assessment, Revised Reception Report, PSI, Health Exit Summary, Sentencing Orders and Case Manager Discharge Summary. If essential information is not available in ICON, the releasing institution release coordinator/records department shall provide the information upon request.
4. Prior to release, the incarcerated individual/client shall be required to sign a parole agreement. The parole order and agreement shall be scanned into ICON for access by the respective parole agent and/or office.
5. The incarcerated individual/client's mode of transportation to the Parole Office shall be verified; i.e., private vehicle, bus, etc. and entered into ICON Transfer Instance by the counselor/designee.

D. Work Release (**5-ACI-5F-03**)

1. All work releases are granted by the IBOP.
 - a. If convicted of a sentence under **Iowa Code 902.12, Code Sections 906.4 or 905.11** may apply.
 - b. The IMCC time computation unit is responsible for loading the release notification into ICON.
2. The IBOP shall notify each institution of all incarcerated individual/clients approved for work release. Upon that notification, a Transfer Instance to residential shall be entered in ICON by the assigned counselor/ designee.
3. Prior to release, the incarcerated individual/client shall be required to sign a temporary Work Release Order and Work Release Agreement. The Work Release Agreement and Work Release Order shall be scanned into ICON for access by the respective work release institution.
4. ICON shall be used by CBC to obtain incarcerated individual/client release information from records such as Personal History Data Sheet, Validated Risk Needs Assessment, Reception Report, PSI, Health Exit Summary, Sentencing Orders and Case Manager Discharge Summary. If essential information is not available in ICON, the releasing institution release coordinator/records department shall provide the information upon request.
5. The incarcerated individual/client's mode of transportation to the work release center shall be verified; i.e., private vehicle, bus, etc. and entered into the ICON Transfer Instance to Residential.

E. OWI Releases

1. OWI releases are per IDOC Policy **OWI-01**, *OWI Continuum*.
2. Records offices shall ensure that a release checklist is completed prior to the incarcerated individual/client's release. (This includes checking NCIC and ICIS).

F. Out of State Parole

1. All paroles are granted by the IBOP.

2. The interstate compact application fee of \$100.00 payable to the Treasurer, State of Iowa shall be forwarded to the Interstate Compact Office prior to the incarcerated individual/client's departure to an approved out of state release plan. Upon approval of the release by the IBOP, the institution shall forward a copy of the Parole Order and Agreement to the Interstate Compact. The Interstate Compact Office shall sign off on the transfer investigation packet, entered into Interstate Compact Offender Tracking Systems (ICOTS), to the appropriate state or sovereign. Information regarding out-of-state paroles is entered into the ICOTS system, rather than ICON. The out-of-state paroles and paroles to detainer are monitored by Compact Administrator in Central Office and by the institution records office. The packet for-out-of state parole shall consist of the following items:
 - a. Release of information;
 - b. Medical and Mental health information if applicable;
 - c. Iowa Medical Classification Center (IMCC) Reception Report;
 - d. Sentencing Order; Parole Order and Agreement;
 - e. PSI and trial information/ minutes of testimony if a description of the offense is not included in the PSI;
 - f. Disciplinary detention report from past two years for both Prisons and CBC;
 - g. Exit Photo;
 - h. Victim Notification and Sex Offender Registration, Static 99R if applicable;
 - i. Incarcerated individual/client's Application for Interstate Compact Services. (Only one document not three. The incarcerated individual/client's Application for Interstate Compact Services is the only compact form currently in use.) Completed and Signed Interstate Compact Template;
 - j. Restitution Plan
3. The ICOTS system shall notify the institution records and compact offices of acceptance or denial. Release shall be coordinated with the compact office. The compact office shall forward the release papers to the appropriate institution.

G. Detainers

1. Detainer Lodged

- a. The detainer, copy of the warrant(s) for untried charges, information, or complaint, must be lodged by the prosecutor or law enforcement agency of the jurisdiction where the charges are pending.
- b. This procedure does not apply for an alleged probation or parole violation. Nor does it apply if the incarcerated individual/client has escaped from another state's prison and is wanted on the basis of an unsatisfied prison term. Nor does it apply to prisoners who have already been tried but remain to be sentenced in the other state.
- c. Duty of Prison Officials

Upon receipt of the detainer, records staff must notify the incarcerated individual/client of the existence, location and nature of the pending charges by utilizing **IS-RL-01 F-3**, *Interstate Agreement on Detainers* form.

2. Incarcerated Individual/Client's Request for Disposition

- a. If the incarcerated individual/client desires to request disposition of the charges, the records staff must obtain the incarcerated individual/client's signature on **IS-RL-01 F-4**, *Incarcerated Individual/Client's Notice of Placement of Imprisonment* form. This request must be promptly forwarded, along with the Warden's *Certificate of Incarcerated Individual/Client's Status*, **IS-RL-01 F-5** and *Offer to Deliver Temporary Custody* form, **IS-RL-01 F-6**, to the prosecutor and court in the receiving state. The records staff must also notify all prosecutors in other jurisdictions within the receiving state with detainers lodged that the incarcerated individual/client has requested disposition.
- b. Strict compliance states may require that new forms shall be completed if the incarcerated individual/client transfers to another prison. (Oregon, Ohio, Washington, Georgia, New Mexico, Missouri, West Virginia, Texas, Wisconsin and North Dakota).
- c. The forms must be mailed with return receipt requested, certified or registered mail.

- d. Upon receipt of the forms, the receiving state must bring the incarcerated individual/client to trial within 180 days of the time the prosecutor and court received the documents.
- e. The prosecutor needs to send the Offer to Deliver Temporary Custody form (form VI requesting state form) and the written authorization of an agent to act for the receiving state (Form VII requesting state form) to the state's Agreement Administrator, as well as a copy to the institution. Upon receipt of those forms and when arrangements have been made for pick up, the prison shall release the incarcerated individual/client to the receiving state as a movement Code 44 in Iowa Corrections Offender Network (ICON) (temporary release to court appearance).
- f. Following the conclusion of the proceedings in the receiving state, the prosecutor should notify the institution and the Agreement Administrator of the disposition and arrange for the incarcerated individual/client's return to Iowa (Form IX sentencing state form).

3. Prosecutor's Request for Disposition

- a. The prosecutor prepares the request for temporary custody (Form V requesting state form). Attached to the request should be copies of the complaint, the arrest warrant and identification documents (such as physical description, photo, or a fingerprint card). This request must be signed by the prosecutor and a judge in the jurisdiction where the charges are pending. Copies should be sent to the incarcerated individual/client, institution, and Agreement Administrator of the sending state.
- b. Records staff should notify the incarcerated individual/client that the detainer has been lodged (**IS-RL-01 F-3**). If the incarcerated individual/client requests disposition, then complete Forms **IS-RL-01 F-4**, **F-5**, and **F-6** as described above.
- c. If the incarcerated individual/client does not wish to waive extradition, then the records staff should prepare a *Certificate of Incarcerated Individual/Client's Status* (**IS-RL-01 F-5**) and forward it to the prosecutor.
- d. Records staff shall make arrangements with their local county attorney in order to get the pre-transfer hearing scheduled in front of a judge. At the hearing, counsel should be appointed and the judge should inform the incarcerated individual/client of the request for temporary custody, the crime with which he/she has been charged, and determine the prisoner's identity as the person charged. The County Attorney represents the interests of the receiving state.

- e. The incarcerated individual/client can challenge the transfer by way of habeas corpus. The issues that can be raised are identity, whether the incarcerated individual/client is charged in the receiving state, whether the papers are in order.
 - f. After all court proceedings have concluded, and at least 30 days have passed from the receipt of the request (which allows the Governor to intervene), prison staff should submit **F-4 Offer to Deliver Temporary Custody (IS-RL-01 F-6)** to the prosecutor in the receiving state.
 - g. The receiving state has to bring the incarcerated individual/client to trial within 120 days from arrival in the receiving state when the transfer was done by **IS-RL-01 F-6**.
 - h. Failure to bring the incarcerated individual/client to trial in all jurisdictions of the receiving state, which had also lodged a detainer, shall result in the dismissal of those charges.
 - i. Upon completion of the trial, the receiving state must arrange for the return of the incarcerated individual/client to the sending state (Iowa). Form IX sentencing state form should be forwarded to the sending state's institution.
4. Governor's Warrant
- a. Upon receipt of a Governor's warrant, records staff shall lodge it as a detainer.
 - b. The Governor may order immediate service of the warrant or the Governor may order that the warrant be held until completion of the incarcerated individual/client's sentence.
 - c. If the Governor's warrant is held until completion of the incarcerated individual/client's sentence, records staff need to notify the county law enforcement that the incarcerated individual/client needs to be picked up on the date of end of sentence. Local law enforcement shall then serve the warrant on the incarcerated individual/client. The incarcerated individual/client shall then, most likely, be in the county jail until the proceedings have been completed.
5. Parole to Detainers are granted by the IBOP or sentencing state for corrections compact incarcerated individual/clients.

6. If paroled to any detainer, the releasing institution shall complete **IS-RL-01 F-9, *Detainer Release Notification*** and provide copy to transporting authority for delivery to detaining jurisdiction.
 7. The Out-of-State parole packet and the detainer information shall be forwarded to the interstate compact office for those with out-of-state detainers. An Incarcerated Individual/Client's Application for Interstate Compact Transfer shall be completed and signed by the incarcerated individual/client, should the incarcerated individual/client indicate that he or she wishes to remain in the detaining state upon release from the out-of-state detainer.
 8. If the detainer is being exercised, the interstate compact office shall forward the release papers to the appropriate institution, and release arrangements shall be made by the records administrator or designee in conjunction with the detaining authority's date and time of arrival.
 9. For detainers out of the State of Iowa, if the incarcerated individual/client is willing to waive extradition, the county attorney's office should be notified and the incarcerated individual/client taken before a district court judge to sign the waiver. This includes the cases where the incarcerated individual/client has been sentenced in the other state but did not go through the detainers compact procedure. However, if the incarcerated individual/client has used the compact for detainers to get charges adjudicated (**IS-RL-01 F-2, *Release Procedures Schedule***), no further waiver of extradition is necessary.
 10. If the incarcerated individual/client refuses extradition, the detaining authority and IBOP shall be notified immediately.
 11. If paroled to a federal or immigration detainer, a waiver is not necessary, and the federal marshal or immigration authorities shall be notified to arrange pickup.
 - a. Homeland Security: Per Federal regulations, they have 48 hours to pick up. This excludes Saturday, Sunday and holidays.
 - b. US Marshall: No specific guidelines for pick up. However, if they will not transport on a weekend the incarcerated individual/client needs to be housed at either ICIW or NCF. (Previously housed Federal incarcerated individual/clients for the DOC).
- H. Incarcerated Individual/Client Misconduct or Adverse Information Not Previously Considered

1. The Board of Parole retains the authority to rescind Work Release or Parole for cause.
2. If at any point, prior to release, the incarcerated individual/client is involved in institutional misconduct or the facility becomes aware of adverse information that is considered potential cause for review of the release decision; this information shall, as soon as practicable, be brought to the attention of the Associate Warden of Treatment. In the absence of the Associate Warden, the information shall be brought to the attention of the Deputy Warden or Warden.
3. If the nature of the allegations of misconduct or the information received warrants, the reviewing authority shall, as soon as practicable, notify the Board of Parole.
4. The Board may choose to place a hold on the Release Order pending further review, may order release delayed for a designated period of time, may allow the release process to continue, or may take other action deemed appropriate by the Board.

I. Reconsideration of Sentence (Shock Probation) and Court Ordered Releases

Pursuant to **902.4** the Court reconsiders the prison sentence and usually orders a supervised release to Community Based Corrections. This may occur while the incarcerated individual/client is still in prison or while the incarcerated individual/client is out on court order. Prior to the release, a release checklist shall be completed and a copy of the order obtained. All case numbers that the incarcerated individual/client is currently serving need to be included on the order(s). The order(s) should be scanned into ICON, and the ICON movement code is 38.

The institution shall be notified by an official court order indicating an incarcerated individual/client shall be released in one of two ways:

1. Released to the custody of the county sheriff to appear on an official court appearance. In this case, the incarcerated individual/client shall remain on the institution count until an official fax, e-mail or scanned document is received notifying the institution that the incarcerated individual/client has received reconsideration of sentence. Iowa Courts Online can be utilized to verify the court order.

2. If the incarcerated individual/client is to be released from the institution to probation, the incarcerated individual/client is responsible for transportation unless the order specifies other transportation. The institution shall notify the probation office the incarcerated individual/client has received a reconsideration of sentence probation. See **IS-RL-01 F-10** for District Contacts.
3. The incarcerated individual/client's personal property shall be secured and inventoried. The incarcerated individual/client shall be asked for a forwarding address if reconsideration of sentence probation is approved. If property is not claimed within 30 days of official notice that probation was granted, the property shall be donated or destroyed.
4. Incarcerated individual/clients released on Reconsideration of Sentence/OWI receive only the money on their account.

J. Appeal Bond Releases

Pursuant to **Iowa Code 814.14** the clerk of the district court must give to the defendant or the defendant's attorney a certificate under the seal of the court that an appeal has been taken and the defendant released. The sheriff or other officer having the defendant in custody must, upon receipt of the original discharge certificate, discharge the defendant from custody. The order must reflect all case numbers that the defendant is serving. Communication may be necessary with the clerk of court. The ICON movement code is 49. The prison supervision status remains open and a modifier of "stayed on appeal" is added in ICON. A release checklist shall be completed prior to release.

1. The institution must verify the appeal bond by contacting the clerk of court of the county maintaining jurisdiction. The incarcerated individual/client shall not be released without a certified order of release.
2. The incarcerated individual/client's personal property shall be secured and sent with the incarcerated individual/client.
3. Incarcerated individual/clients released on appeal receive only the money on their account. The account balance shall be sent to a forwarding address or the designated emergency contact person designated by the incarcerated individual/client.
4. Refer to IDOC Policy **IS-RL-01 F-7** for a sample form that a clerk of court would use if releasing someone on appeal bond.

K. Interstate Corrections Compact

1. Interstate Correction Compact incarcerated individual/clients from other states who are housed in Iowa shall not be released under any circumstances without the express permission of the Deputy Director of Institution Operations/Designee. This includes release by court order or parole on a concurrent Iowa sentence. The sending state retains jurisdiction of compact incarcerated individual/clients.
2. In most all cases the reason for release of a correction compact incarcerated individual/client shall be "Returned to Sending Jurisdiction". In the event that the sending state grants a parole to an Iowa release plan an interstate parole transfer must be approved prior to release. In this event the reason for release remains "Returned to Sending Jurisdiction". However, if the incarcerated individual/client has an approved interstate parole transfer the incarcerated individual/client may be released to the Iowa release plan with the approval of the Deputy Director of Institution Operations/Designee.
3. In the event that a correction compact incarcerated individual/client discharges the sentence from the sending state and does not have an active Iowa prison sentence the incarcerated individual/client shall be physically returned to the sending state by the sending state.

L. Temporary Court Order Release

Upon a transport order from the district court or a writ from the U.S. Marshall, temporary custody of the incarcerated individual/client may be granted. Upon arrival at the institution, the transporting deputies shall present their identification to staff (unless already known to staff). Institutional staff shall also ensure that the *Release Notification Form, IS-RL-01 F-8* is completed and that the transporting deputies sign 2 forms if no copier is available. One completed form goes back to the county with the deputy while the other form shall be sent to the records office and may be scanned into Offender Attachments.

M. Court Order Release

The District Court has issued an order to release the incarcerated individual/client. Many times, this is the result of a Procedendo being issued by the Iowa Supreme Court where the sentence has been vacated and/or a retrial ordered. A copy of the Procedendo and the District Court order shall be obtained and scanned into ICON. All case numbers that the incarcerated individual/client is serving shall be included if the incarcerated individual/client is to be released. A release checklist shall be completed, and the ICON movement code is 42. Prison supervision status is closed.

N. Incarcerated Individual/Client Testimony

1. Incarcerated individual/clients can be called to testify as witnesses or parties, in both civil and criminal proceedings and in state (Iowa or others) and federal courts. The question as to whether they are allowed to testify in such proceedings depends on the type of case and the location of the hearing. It is preferable to have the proceedings be completed via telephone or through the ICN, but sometimes that is not possible.
2. In evaluating court orders, remember that a court order from an Iowa court should always be followed until such time as the order is changed or withdrawn by the court. Likewise, orders from the U.S. District Court which stem from criminal cases should always be followed. However, if an order is from another state court (out of state), the order does not have to be followed until such time as it is presented to an Iowa court, which orders that the other state's order be followed.
3. One exception to the requirement for court orders for transport of incarcerated individual/clients for court hearings is with regard to civil proceedings in which the State of Iowa and/or the IDOC are directly involved. In such situations, the transport is arranged with the prison by the Iowa Assistant Attorney General assigned to the underlying action.

O. Civil Case Outside of County of Prison in which Incarcerated Individual/Client Housed

Incarcerated individual/clients are not allowed to be transported to a civil proceeding to testify in a civil case outside of the county in which they are confined. **Iowa Code 622.82** states "A person confined in a penitentiary or jail in the state may, by order of any court of records, be required to be produced for oral examination in the county where the person is imprisoned, and in a criminal case

in any county in the state; but in all other cases the person's examination must be by deposition."

P. Civil Case in County of Prison in which Incarcerated Individual/Client is Confined.

The incarcerated individual/client can be transported to testify in a civil case in the county in which they are confined.

Q. Criminal Case Outside of County of Prison in which Incarcerated Individual/Client is Confined.

The incarcerated individual/client can be transported to any county in the state to testify in a criminal case. The transport is allowed if they are either a party or a witness to the criminal proceedings. This includes testimony in a post conviction relief action, while the case is considered civil, it concerns issues related directly to their criminal conviction.

R. Criminal Case Outside the State of Iowa

1. There is a Uniform Act for Rendition of Prisoners as Witnesses in Criminal Proceedings in **Iowa Code Chapter 819A**. This allows for the transport of an incarcerated individual/client to testify in a criminal case outside Iowa.
2. The court in the requesting state must present a document in Iowa courts requesting the witness to testify in the requesting state.
 - a. A judge of a court of record in another state, which has enacted a law that requires persons confined in penal institutions within that state to appear and testify in this state, may certify to the district court in the county in this state in which the witness is confined, as follows:
 - 1) That a criminal proceeding is pending before a court in the other state.
 - 2) That a person who is confined in a penal institution in this state may be a material witness in the criminal proceeding.
 - 3) That the person's appearance and testimony will be required at a specified time or during a specified time period.

- b. Upon the filing of the certification, the district court shall set the matter for hearing and shall direct the person having custody of the witness to produce the witness at the hearing. The clerk of the district court shall send copies of the order for hearing, together with a copy of the certification, to the attorney general, the person having custody of the witness, and the witness.
- c. The process in Iowa once such information is received is that:
 - 1) That the testimony of the witness may be material and necessary to the criminal proceeding in the other state.
 - 2) That the appearance of and testimony by the witness are not adverse to the interests of this state or the health or legal rights of the witness.
 - 3) That the laws of the other state in which the witness is requested to testify will protect the witness from arrest and the service of civil and criminal process based on any act committed prior to the witness's arrival in the other state under a transfer order.
 - 4) That the possibility that the witness may be subject to arrest or to service of civil or criminal process in any other state through which the witness shall be required to pass is remote.
- d. If the district court makes affirmative findings on all of the issues, the district court shall issue an order for transfer, with a copy of the certificate attached, that provides for all of the following orders:
 - 1) An order directing the witness to attend and testify.
 - 2) An order directing the person having custody of the witness to produce the witness in the court in which the criminal proceeding is taking place.
 - 3) An order prescribing such other terms and conditions as the district court may require, including, but not limited to, the terms and conditions provided in **Iowa Code Section 819A.4**.

S. Habeas Corpus from Another State

- 1. The incarcerated individual/client should not be released from an Iowa prison based on such an order.

2. If the charge in the other state is for an untried charge, then the detainers compact procedure should be followed. See Section F.
3. If the charge is for a parole/probation violation or adjudicated charge for which no waiver of extradition can be located, then arrangements need to be made through the County Attorney in order to get a waiver of extradition signed.

Replaces Policies: IN-V-99, IN-V-100 and AD-CR-07.

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