

State of Iowa Department of Corrections

Policy and Procedures

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Chapter 12: COMMUNITY-BASED CORRECTIONS
Sub Chapter: FIELD SERVICES
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Administrative Code Reference: 201.41
Subject: PRETRIAL SERVICES
PREA Standards: N/A
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Authority:

1. PURPOSE

To outline the guidelines and expectations regarding the purpose, screening, and supervision of individuals on Pretrial Release (PTR) Levels 1-3 as required per Iowa Administrative Code 201—41.1. See **CBC-FS-03**, *Intensive Pretrial Services* (PTR 4).

2. POLICY

It is the policy of the Iowa Department of Corrections to provide Pretrial Services to assist the Courts to improve the equity of pre-conviction release by doing due diligence to identify the minimum safe conditions of release for each defendant. As studies have determined a large percentage of those arrested will appear without the posting of a cash bond, the practice of release on recognizance has been expanded to include a number of stabilizing factors not tied to financial status.

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3. DEFINITIONS - As used in this policy and related policies

Pretrial - Status, not yet convicted

Pretrial interviewer - The staff designated by the district to conduct screening reviews of detainees and based on the information gathered, make recommendations to the Courts.

Pretrial Screening - A face to face interview or file/paper review conducted by a pretrial interviewer of eligible defendants to determine if the defendant qualifies for pretrial services.

4. PROCEDURES

The Iowa Department of Corrections (DOC) will provide verified information to the Court on all eligible new defendants, as defined by Department policy. Pretrial interviewers shall screen all eligible new defendants for pretrial services.

A. Program Coordination

- a. Each district shall designate a staff person or persons to serve as a pretrial interviewer.
- b. Districts shall utilize the approved screening tool if/when making recommendations to the Courts.

B. Functions and Limitations

The district shall have written procedures outlining the major functions and limitations regarding the provision of pretrial services.

C. Eligibility

Unless the Court has directed or requests that no screening be conducted, all defendants shall be considered eligible for a screening review under the following guidelines:

1. **Eligible for Pretrial Screening:**

- a. New charges or pending charges – unless noted in #2 below.
- b. Juveniles (if they are waived to adult court **and** are otherwise eligible.
- c. Out of county charges **as long as they have charges which qualify for pretrial screening in the reviewing county eligible for screening.**
- d. Contempt of Court/Truancy/Child Support matters **as long as they have other charges eligible for screening.**
- e. Driving While Revoked (serious misdemeanor version)

2. **Not eligible for Pretrial Screening:**

- a. Probation/Parole status.
- b. Prison inmate on temporary release.
- c. Escape or Fugitive charges.
- d. Defendant was extradited from another state.
- e. Detainer from US Marshal, ICE or another state.
- f. Out-of-county charges **only.**
- g. Simple misdemeanor charges (including DWLUS) **except** for Domestic Assault.
- h. Current Failure To Appear (FTA).
- i. Violation of No Contact Order (VNCO) charge **only.**
- j. Contempt of Court/Truancy/Child Support matters **only.**
- k. The charge occurred while the defendant was in-custody.
- l. Current pretrial revocation or previous pretrial revocation on the same charges for which they are being detained (even if they have additional new charges).

- m. Private monetary bond revocation (even if they have new charges for which they weren't already out on bond).
 - n. New charges filed but the defendant has been sitting in jail **AND** has already been evaluated for PTR eligibility on other charge(s).
3. Exceptions may be made to the above in some instances, at the direction of the Court or upon local practices.
 4. If the defendant is under supervision by any correctional agency (state, federal or another DOC District), prompt notice of the arrest shall be made to that agency and/or officer.

D. Process

1. Districts shall assign designated staff to ensure screening for pretrial services is made available throughout that jurisdiction.
2. Information regarding the availability of pretrial services shall be provided to every jail in the District.
3. Defendants determined to be eligible shall be screened without unnecessary delay unless the Court has given separate direction that no review for pretrial release be conducted. If so, the Court's direction shall be documented in Iowa Corrections Offender Network (ICON) or documentation shall be obtained from the Court.
4. The pretrial interviewer shall utilize **CBC-FS-02 F-1, Iowa DOC Pretrial Interview/Screening Form and Point Schedule** and **CBC-FS-02 F-2, Pretrial Release Scoring Worksheet**. Attempts shall be made to verify the answers provided by the defendant via a family member, employer, reference, etc.
5. If an interview is being conducted, the defendant shall be advised that the employee is from the Iowa Department of Corrections.
 - a. No questions will be directed at the guilt or innocence of the defendant and there will be no questions about the details of the offense.

- b. From the screening tool and scoring worksheet, staff may develop a recommendation regarding release from custody: ROR, Pretrial Release, or not appropriate for pretrial supervision at this time.
 - c. The defendant has the right to refuse to be interviewed.
 - d. Should the defendant refuse to be interviewed, the name of the defendant, the charge and the date shall be documented in ICON>Charge Information>Pretrial Interviews and on the *Pretrial Release Scoring Worksheet*, **CBC-FS-02 F-2**.
6. For each screening conducted, the completed **CBC-FS-02, F-1**, *Pretrial Interview/Screening Form and Point Schedule* and related information shall be entered into ICON. If the defendant is not released to the custody of the District, the interview form and other appropriate materials, shall be scanned into ICON and the Pretrial Interview screen in ICON updated accordingly. Local procedures may further delineate what is provided to the Courts.
- a. The screening may result in a recommendation of "Not appropriate for pretrial supervision at this time:". Due to charge(s), criminal history, failure to appear history or a combination of these, or any other factors noted, the defendant is not considered appropriate for pretrial supervision at this time.

E. Supervision

- 1. DOC staff shall provide supervision to all defendants released from jail to the custody of the Department for pretrial supervision.
- 2. The defendant shall receive a copy of the Terms and Conditions of Release outlining the expectations and requirements of pretrial supervision.
- 3. Assign a Pretrial Specialty Level in ICON. (Also see **CBC-01** for further information regarding contact standards.)
 - a. **PTR Level 1:** Court notifications/reminders via phone or text, periodic checks for any new charges/arrests.

- b. **PTR Level 2:** One (1) monitoring appointment every other month, court reminders via phone or text, periodic checks for any new charges/arrests.
- c. **PTR Level 3:** Two (2) monitoring appointments per month (1 of which may be virtual/phone if they are stable), court reminders via phone or text, periodic checks for any new charges/arrests.
- d. Any override of Level of Supervision shall be approved by a supervisor/designee.

F. Violations:

- a. A defendant who has failed to comply with release conditions shall be considered to be in violation of release.
- b. Additional conditions of release may be imposed.
- c. If a defendant incurs violations of supervision, a PTR report of violation may be submitted to the Court, recommending revocation.

G. Program Completion:

Length of time in the program is subject to Court order, adjudication, or dismissal.