

## IO-RD-03 ADDENDUM

### Modifications Applicable to Safekeepers

The following provisions apply to safekeepers held in an IDOC facility.

- A. Safekeeper Definition – For purposes of this addendum, the term “safekeeper” refers to individuals who meet the following conditions:
  - 1. The individual has discharged his or her criminal sentence.
  - 2. The State of Iowa is seeking to have the person civilly committed as a sexually violent predator under Iowa Code chapter 229A.
  - 3. A court has found probable cause to hold the individual prior to a civil commitment trial and has ordered that the individual be held in a secure facility.
  - 4. The individual has been assigned to a facility within the control of the IDOC in accordance with Iowa Code § 229A.12A.
- B. Safekeepers are expected to follow the disciplinary rules contained in this policy. Violations of those rules may result in discipline and other consequences as outlined in this addendum.
- C. To ensure that the procedural due process rights of safekeepers are met, the preparation, review, investigation, hearing, decision, and appeal requirements of this policy shall apply to matters involving safekeepers.
- D. Information and documentation connected with disciplinary matters may be used in a safekeeper’s trial or in the preparation of a treatment plan if the safekeeper is civilly committed. Staff should therefore fully document all aspects of a disciplinary matter.
- E. The ALJ will use the same standards of proof to determine whether a safekeeper violated a disciplinary rule as used for other ALJ disciplinary hearings.
- F. In determining the appropriate consequences for a violation of the disciplinary rules, the ALJ will not use the same criteria as used for incarcerated individuals held at an institution. Unlike incarcerated individuals serving time in an institution as part of a criminal sentence, safekeepers have discharged their criminal sentence and are held in a non-

punitive status. Consequences for disciplinary violations are to effectuate the purposes of the safekeeper's detention.

- G. The ALJ should consider the following in determining the appropriate consequences for a safekeeper's violation of the disciplinary rules:
1. The consequences are not to be the same type of punishment/correction or the same duration as the sanctions imposed on institutional incarcerated individuals.
  2. The consequences should be designed to protect the public.
  3. The consequences should:
    - a. Promote the safety, security, and health of the safekeeper.
    - b. Promote the safety and security of the living area where the safekeeper is assigned.
    - c. Promote the safety and security of other safekeepers who live with the safekeeper.
    - d. Promote the safety and security of any institutional incarcerated individual who lives in proximity to and may interact with the safekeeper, if the safekeeper is housed in an area that does not exclusively house safekeepers.
    - e. Promote the safety and security of IDOC staff who work around the safekeeper.
    - f. Aid and support the ability of IDOC staff and others to monitor and evaluate the safekeeper with respect to the upcoming civil commitment trial or possible future treatment.
    - g. Aid and support the ability if IDOC staff and others to interact with and monitor others with respect to their upcoming civil commitment trial or possible future treatment without interference by the safekeeper.
    - h. Encourage the safekeeper to follow the rules in the future.
  4. For consequences involving loss of privileges or confinement within the safekeeper's normal place of residence, the ALJ may specify a specific length of the consequence.

5. For consequences involving confinement in a location with fewer privileges than the safekeeper's normal location, the ALJ will not specify a specific time the safekeeper must remain in that location. Instead, the ALJ shall specify the conditions that should be met before the safekeeper can move back to the safekeeper's normal living location. Those conditions will be in accordance with the factors listed above and shall bear a reasonable relationship to the purposes of the safekeeper's pre-trial detention. Evaluation by a psychologist or health professional may be a condition. Other IDOC staff may be the ones to determine when the specified conditions are met that allow the safekeeper to move locations.