
Parole Condition Setting in Iowa

A REPORT IN A SERIES ON ALIGNING SUPERVISION
CONDITIONS WITH RISK AND NEEDS



ROBINA INSTITUTE
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Executive Summary

This report is one in a series of reports for the Aligning Supervision Conditions with Risk and Needs (ASCRN) project, the goal of which is to reduce probation and parole revocations and reorient community supervision toward promoting success by changing the way probation and parole conditions are imposed. Conditions are requirements that a person on probation or parole must adhere to while serving a period of community supervision. For people on parole, this occurs after the person has served time in prison and is released into the community for a post-prison period of supervision. For people on probation, this period of supervision occurs in the community in lieu of incarceration. The hypothesis for this project was that if probation and parole conditions targeted individuals' criminogenic needs and were based upon risk level, individuals on supervision would be more successful.¹ However, to move to this form of condition setting, we first needed to understand how conditions were being determined and what role, if any, risk and needs assessments played in the condition-setting process.

This report sets forth our findings on the parole condition-setting process utilized by the Iowa Parole Board and what role, if any, risk and needs assessments play in the condition-setting process. The findings in this report are based primarily on a legal and policy review and interviews conducted in 2020 with relevant stakeholders who we presumed would have a hand in recommending or imposing supervision conditions, including parole board members, staff, administrative law judges, and parole officers. From this study, we make the following conclusions.

Conclusions

1

Parole conditions in Iowa are not tailored to the risk and needs of the individual. Parole conditions in Iowa take a one-size-fits all approach. As explained in this section, several factors converge to create a system where every person on parole receives a lengthy set of conditions within which less than a handful are tailored to the individual needs of the person.

- **There is a heavy reliance on standard conditions.** There is a perception within the state that there are very few standard conditions because they fall into just eight paragraphs. But when the text in each of the eight paragraphs is parsed into individual conditions, there are thirty-five distinct requirements. This extensive set of standard conditions sets what parole board members and parole officers refer to as “standards for behavior,” but the sheer number of conditions is more than any one person could reasonably comply with at one time.
- **The Parole Board only adds a few special conditions to each case, but it has lost sight of the total number of parole conditions imposed**

¹ See Christopher T. Lowenkamp, Edward J. Latessa, and A.M. Holsinger, *The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?*, 52(1) *Crime & Delinquency* 77-93 (2006) (suggesting that supervision conditions should be aligned with a person's risk and needs).

on individuals. The Parole Board is parsimonious when adding special conditions to each case. Parole board members are concerned about overloading individuals on parole and typically only consider or discuss adding one or two special conditions as each person is paroled. However, because the Parole Board only focuses on setting special conditions, it has lost sight of the total number of standard conditions already imposed on those who are on parole. Several parole board members we spoke to did not know how many standard conditions there were, and some mistakenly thought that conditions they used to impose were no longer available to them when in fact they were already part of the standard conditions. By failing to take the standard conditions into account, the Parole Board undermines its own concern about not overloading people on parole.

- **Risk assessments are not used to inform condition setting.** Iowa utilizes risk and needs assessment throughout the criminal justice process. It informs programming for a person serving time in prison, and case planning for a person once they are released on parole. But risk and needs assessments are not really used in setting the conditions of work release or parole. Staff who prepare the docket for the Parole Board focus on the release decision rather than which conditions to impose, but when they do recommend conditions, they tend to use professional judgment based on past interactions with the person while in prison. Parole board members have access to risk and needs information, but do not really understand it. Instead, they use their best judgment about what conditions to impose. In this way, conditions are not tailored to address the criminogenic needs of the individual.
- **The Parole Board lacks a feedback mechanism to understand what works in condition setting.** Finally, parole board members do not handle parole violations—violations are instead handled by an administrative law judge—so parole board members do not have any way of knowing whether the conditions they impose help or hinder people on parole. Because the Parole Board does not receive any feedback about which conditions work, there is nothing to challenge or inform their professional judgment about which conditions to impose in different situations.

2

Though parole officers are empowered to remove conditions, they do not exercise this power. Instead, parole officers add conditions and selectively enforce the conditions they think aren't as relevant. Throughout this project, we heard that parole officers remove conditions that aren't necessary or applicable. However, when asked about this directly, most parole officers indicated that they do not remove conditions. Instead, most talked about adding local conditions such as curfew. Though some parole officers indicated that a few standard conditions are outdated or unnecessary, for the most part, they did not support changing the standard conditions, preferring instead to selectively enforce the conditions they deem most important. Thus, parole officers seek maximum flexibility regarding whether and how to enforce supervision

conditions. From the perspective of the person on parole, who has no choice but to conform to all the listed conditions, this way of doing business can be confusing. More crucially, it dilutes the importance of conditions because it becomes unclear for them which conditions must be complied with.

Introduction

This report is one in a series of reports for the Aligning Supervision Conditions with Risk and Needs (ASCRN) project. The goal of the project is to reduce probation and parole revocations and reorient community supervision toward promoting success by changing the way probation and parole conditions are imposed. Conditions are requirements that a person on probation or parole must adhere to while serving a period of community supervision. For people on parole, this occurs after the person has served time in prison and is released into the community for a post-prison period of supervision. For people on probation, this period of supervision occurs in the community in lieu of incarceration. The hypothesis for this project was that if probation and parole conditions targeted individuals' criminogenic needs and were based upon risk level, individuals on supervision would be more successful.² However, to move to this form of condition setting, we first needed to understand how conditions were being determined and what role, if any, risk and needs assessments played in the condition-setting process. To learn about the parole condition-setting process in Iowa, we conducted a policy review of relevant statutes, administrative rules, and policies, and completed a series of interviews with relevant stakeholders who we presumed would have a hand in recommending or imposing supervision conditions.

This report sets forth our findings on the parole condition-setting process utilized by the Iowa Parole Board. The findings in this report are based primarily on the legal and policy review and interviews. In 2020, we conducted thirty-one interviews with relevant stakeholders in Iowa: fifteen with parole board members, staff, and administrative law judges (ALJs), and sixteen with parole officers.³ Staff interviewed for this project included a variety of positions within the Parole Board and Department of Corrections, all of whom work with or provide information to the Parole Board in some capacity. Because there were only a few people interviewed in each position type, to provide some level of anonymity these individuals are referred to collectively as parole staff throughout the report.

2 See Christopher T. Lowenkamp, Edward J. Latessa, and A.M. Holsinger, *The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?*, 52(1) *Crime & Delinquency* 77-93 (2006) (suggesting that supervision conditions should be aligned with a person's risk and needs).

3 Though we intended to interview people on parole, we were unsuccessful in doing so because protocols in place during the pandemic made recruiting more difficult. We interviewed three people but chose not to include their responses because all three were on parole for sex offenses, which is a more specialized version of parole that would not be representative of the experience of most people on parole.

Legal Framework

Iowa is an indeterminate sentencing state, which means that at the time of conviction, the court imposes a maximum sentence,⁴ but the parole board makes the determination as to when the person can be released from prison.⁵ The Iowa Board of Parole is the main entity responsible for deciding when individuals may be released from prison, and upon release, for setting the initial conditions of parole.⁶ The Parole Board consists of five members: a full-time chair and vice-chair, and three other members who serve on a per diem basis.⁷ Additionally, the Parole Board has a pool of three alternates who can substitute for board members who are disqualified or unavailable for any reason.⁸

Parole is a period of community supervision for individuals released from a correctional institution (prison).⁹ There is also a second form of release from prison in Iowa referred to as “work release,” which allows an individual to leave prison confinement for the purpose of employment.¹⁰ A person on work release may remain in a correctional institution and only leave confinement during normal work hours or may be placed in a halfway house or home confinement for the period of work release.¹¹

Review by the Iowa Parole Board involves two potential decisions: 1) whether to release the individual from prison; and if so, 2) what conditions of supervision to impose. In deciding whether a person may be released on parole or work release, the Parole Board must act “in the best interest of society and the offender”¹² and may release someone “when in its opinion there is reasonable probability that the person can be released without detriment to the community or to the person.”¹³ The Parole Board is authorized to consider a wide range of information. In fact, the administrative rules set forth fifteen factors that can be considered, including the person’s criminal record, the nature and circumstances of the offense, psychological evaluations, prior parole or work release history, recidivism, and substance abuse history.¹⁴ Parole or work release may be granted if at least three parole board members agree that the person can be released without detriment to the community. If at least three members do not agree, then parole or work release must be denied.¹⁵ People released to parole are under the jurisdiction of the Department of Corrections.¹⁶ Supervision is provided by parole officers in community-based corrections agencies located in one of eight judicial districts across the state.¹⁷

Parole conditions are requirements a person must adhere to while serving on parole. There are very few requirements regarding the conditions of parole in statute. By law, the Parole Board can require a person to submit a DNA sample, to complete community service hours, and to make progress

⁴ Iowa Code § 902.3 (2022) (requiring the court to set the maximum sentence).

⁵ Iowa Code § 902.6 (2022) (“A person who has been committed to the custody of the director of the Iowa department of corrections shall remain in custody until released by the order of the board of parole”).

⁶ Iowa Code § 906.3 (2022).

⁷ Iowa Code § 904A.1 (2022).

⁸ Iowa Code § 904A.2A (2022).

⁹ Iowa Code § 906.1 (2022).

¹⁰ *Id.*

¹¹ Iowa Code §§ 904.901 and 904.904 (2022).

¹² Iowa Code § 906.4 (2022).

¹³ Iowa Code § 906.4 (2022).

¹⁴ Iowa Admin. Code 205-8.10(906) (2022).

¹⁵ Iowa Admin. Code 205-8.15(906) (2022).

¹⁶ Iowa Admin. Code 205-10.2(906) (2022).

¹⁷ Iowa Admin. Code 205-45.1(906) (2022); see also <https://doc.iowa.gov/find-facility>.

towards a high school equivalency degree.¹⁸ Other parole conditions are set forth in the state’s administrative rules. Under these rules, there are two kinds of conditions: standard conditions, which apply to everyone on parole, and special conditions, which are imposed on a case-by-case basis.¹⁹ Standard conditions comprise eight different areas, including restrictions on movement, treatment and rehabilitation, substance use, and economic requirements (i.e., paying fines, fees, and restitution).²⁰ When the eight areas are parsed into individual requirements, there are a total of thirty-five standard conditions. There are no special conditions listed in the administrative code; however, a standard parole agreement provided to Robina included sixteen special conditions that are routinely utilized by the Parole Board (Appendix A).²¹ The standard and special conditions of parole must be included in the parole agreement, which is signed by the person on parole.²² Special conditions can be added or deleted by the Parole Board, Department of Corrections, or judicial district departments of corrections.²³ This provision is colloquially understood to mean that parole officers can add or delete parole conditions.

¹⁸ Iowa Code § 906.4 (3) (2022).

¹⁹ Iowa Admin. Code 201-45.2(906) (2022).

²⁰ *Id.*

²¹ It should be noted that the standard parole agreement provided to Robina also included a section for “Community Based Conditions;” however, there are no references to these conditions in state law. Most of the community-based conditions seem to repeat the standard conditions, except for one condition that allows for imposition of a curfew, and another condition that requires the person to agree to follow any instructions in the work release agreement. See Appendix A.

²² Iowa Admin. Code 201-45.1(906) (2022).

²³ Iowa Admin. Code 201-45.2(2)(906) (2022).

System Orientation

To better understand the context within which conditions are set in each jurisdiction, we asked three questions aimed at system orientation: 1) what is the purpose of parole; 2) what are your expectations for what will happen during parole; and 3) what is the purpose of parole conditions? Table 1 provides a simplified overview of the responses. As further explained below, the Parole Board and parole officers saw compliance, reintegration, and change as the major purposes of parole and their expectations for what would occur during parole. But they perceived that victims and the community expect parole to serve as a means of protecting public safety through strict observance of parole conditions and swift and certain sanctions for noncompliance. As a result, the system seems to be strongly oriented towards compliance, with parole conditions primarily serving as expectations for behavior but not necessarily as tools for changing behavior.

Table 1. Overview of Responses to System Orientation Questions

	Purpose of Parole	Expectations of what will happen on parole	Purpose of Parole Conditions
Parole Board	Protect public safety Reintegration Transformational change	Compliance Reintegration	Protect public safety Provide tools or treatment Define parameters for behavior
Parole Officers	Reintegration Accountability	Change Compliance	Structure/set boundaries for behavior
Victims and Community (as perceived by Parole Board and Parole Officers)		Safety/protection Strict compliance	

Purpose of Parole

Parole board members identified three main purposes of parole. First, most parole board members saw parole as a period of reintegration or transition. Being on parole allows a person to receive services and programming that provide the tools to help them succeed in society. Related to this, parole board members also saw parole as a period of transformational change. For some, parole was a reward for engaging in education and programming while in prison to effect change. For others, the parole period itself was meant to engender change.

Personally, I think that it's an opportunity for reconciliation or opportunity for people to recognize that at some point in their life they were one thing, and because of some education, because of an awareness, because of being incarcerated, they have learned that's not what they want to be, and they change. – Parole Board Member

Additionally, parole board members saw it as their responsibility to make release decisions that would keep the public safe. As one member put it, the parole board's job is to "make good risks and safe risks."

Parole officers had similar views. First, most officers saw parole as a period of reintegration, and in that regard, their role was to provide tools to help people make that transition. Related to that, several officers saw their role as providing guidance or navigation to people on parole.

The essential purpose, I would say it's obviously to reintegrate the clients back into the community. They've already served. They've completed what's been asked of them by the courts as far as their prison time or their time in the residential facilities. The goal is to provide them hopefully all the necessary resources, guidance, and support to get them back on a path that is acceptable and move on from some of the mistakes or decision-making that they have made. – Parole Officer

A second major theme related to accountability. A few officers saw their role as keeping the community safe or preventing future victimization. Others spoke more about ensuring that people on parole followed their conditions and the law. This focus on accountability demonstrated the different perspectives of parole board members and parole officers. For parole board members, the concept of public safety related to risk. They were concerned that their release decisions carried risk to public safety, and they wanted to make the right decisions. For parole officers, the release decision had already been made. So, although parole officers were also concerned about public safety, they saw their means of achieving it as holding people on parole accountable by enforcing their parole conditions.

Expectations for What Would Happen on Parole

When asked about their expectations for parole, the responses from parole board members and parole officers shared some similarities. Both groups expected people on parole to comply with the requirements of parole. Parole board members related this expectation back to their release decisions, stating they expected people on parole to "do what they said they would do" when granted parole. For parole officers, the expectations were more practical.

The expectations are that we want them to follow those conditions as close as they can. We're not necessarily looking for perfection. But get to a level where we and they can feel they are considered successful. – Parole Officer

From there, parole board members and parole officers diverged slightly. Parole board members stated that they expected parole to be a time when the district offices would provide reintegrative support to people on parole.

They must certainly have support from our parole institutions, our districts. Hopefully not just as a system of policing them to make sure that they're doing the things that they're supposed to be doing: the drug tests, finding employment, paying of fines, and things like that. Hopefully, those things, of course, but also as a system to help them reintegrate, support in finding those jobs, support in getting the follow-up education they need, housing, and those kinds of things. – Parole Board Member

Parole officers also mentioned reintegration, but they focused more squarely on their role in facilitating change. Some officers noted that it was important to allow assessments to drive their

expectations, indicating that once they had a clear understanding of the person's needs, they could tailor the person's parole plan to address the factors that led them to criminal offending. For example, a person with substance use issues might focus on treatment, whereas a person with more criminal tendencies might focus on cognitive behavioral therapy to address criminal thinking. Other parole officers simply stated that they expected the person on parole to "correct some of the behaviors that got them into trouble and into jail and in prison in the first place," without explaining how those behaviors would be identified or what supports would be provided to address them. Finally, a few officers noted that their expectations were tailored to each client based on their abilities. A person who had cognitive deficits, for example, would not be expected to make as much progress as a person without them.

Across all groups, there was a strong perception that victims and communities expect safety, protection from further victimization, and strict compliance with parole. The Parole Board internalized this perception as requiring them to release only people who are not at risk to reoffend. One parole staff noted that community members expect the parole board to deny parole because the community is seeking greater accountability through the service of lengthy prison sentences. Meanwhile, parole officers, who often have direct contact with victims, family members, and other community members, perceived that they should closely monitor those on parole and hold them accountable, because the community at large wanted strict compliance with parole and swift and meaningful responses.

I think they are hoping that we will hold them, the parolees, to their conditions 100%. I believe most times they think that any kind of mistake or bad choice should result in going back to prison, which isn't anything close to what it is in reality or what we even want to do with that.
– Parole Officer

Therefore, although both parole board members and parole officers described parole as a transitional period during which people needed reintegration support and guidance, they also appeared to feel pressure to hold people strictly accountable to parole conditions in order to protect public safety.

Purpose of Parole Conditions

When asked about the purpose of parole conditions, parole board members and parole officers diverged, with parole board members offering multiple purposes and parole officers offering just one. First, nearly all parole board members thought parole conditions should be in place to protect public safety, offering the condition to have no contact with the victim as a specific example of how conditions can be protective and prevent reoffending. Second, parole board members noted that conditions can provide people on parole with tools or treatment that can help them be more successful on parole. One parole board member noted that conditions can also function as an instrument for ferreting out people who may not have been ready for release from prison, saying, "Likewise, if they're not going to do it, they're obviously not ready and that can be dealt with as well."

The one area of overlap between parole board members and parole officers was that they both saw conditions as establishing expectations or parameters for behavior. Parole officers talked about this purpose almost exclusively, whereas parole board members voiced this as the third most common purpose. Parole board members described conditions as placing "guardrails on the offender." Similarly, most parole officers saw conditions as providing necessary structure for people on parole.

Just set some boundaries, improve behavior and try to guide people to do maybe better to get on a better path than what they were before, I guess, such as does not allow certain things as far as drinking, using drugs, and certain associates, and to try to get a job. It's just kind of like a baseline of what is needed to be done. – Parole Officer

Parole officers thought parole conditions could help individuals change by establishing new patterns of behavior or setting boundaries for behavior. For example, one parole officer described curfew as helping a person on parole establish good sleep habits for working a regular 9-to-5 job. But another officer analogized parole conditions to a game of whack-a-mole, meaning they create a broad framework for compliance, but do not necessarily change behavior.

Sometimes it's like at the arcade. You got the whack-a-mole game. Have you ever seen that? ...You put your quarter in and then you got like nine or twelve holes, and you get this big mallet. You just wait for that little mole to stick his head up through one of those holes and then the goal of the game is you whack it, right? When it pops up, you whack it, and then you wait for the next one. Sometimes, honestly, the parole terms and conditions can be treated like that. I think that there's a real disservice because then we become very mechanized and dehumanized in our engagement. On the other side, though, I get the behavior control model of discipline, but the truth of the matter is that if telling people not to do something was effective, we would never have a reincarceration. Right? The whole idea that you base a rehabilitative model on telling people not to do something and you react when they do, I think, is just a losing strategy. – Parole Officer

Setting Parole Conditions

For each case in which the Parole Board determines that parole release is appropriate, the Parole Board is also responsible for setting parole conditions. There are two types of conditions: standard and special. The standard conditions, which are codified in administrative rules, are established by the Parole Board, and apply to everyone.²⁴ Special conditions are imposed only “in accordance with the needs of the case.” These types of conditions can be imposed by the Parole Board or parole officers.²⁵ As this section details, parole board members routinely impose special conditions, but are not as aware of what constitutes the standard conditions. The decision about which conditions to impose seems to be to be closely tied to the risk considerations parole board members undertake in determining release, as evidenced by the fact that they look to a wide variety of information, much of which may be more relevant to the release decision than to setting conditions. Nearly everyone—parole board members, parole staff, and parole officers—perceived that treatment conditions were the most important. And though parole board members perceived that parole officers had a lot of power to modify conditions, parole officers perceived their role as adding to, but not individualizing or removing conditions. Instead, parole officers retained conditions in case they were later needed and focused on providing other rewards for compliance with conditions like verbal praise, fewer checks-ins, or approvals for travel.

Condition-Setting Process

Typically, the Parole Board meets in three-member panels. Once there is a decision to release, the Board makes a collective determination regarding which conditions to impose. Everyone on parole receives the standard conditions, but the Parole Board can impose what they call additional or special conditions. Each parole board member has the “prerogative to interpret what [they] see as the main issues for each person and then impose or request that certain conditions be placed upon them.” Newer members may also draw on the experience of more seasoned members.

I may talk about some things that some of the newer members just weren’t aware of. Like, “Let’s add intensive supervision because they have high-risk scores.” Or, “Because this is their seventh time in prison, maybe we should put in a no-early discharge condition on it.” Just things that maybe newer members aren’t aware of. But the fact that we always have the opportunity to collaborate, discuss, debate and disagree is really valuable.

– Parole Board Member

Parole board members indicated it was rare not to impose special conditions, and many noted that their goals in setting conditions were to give the person what they needed and to follow best practices. For the most part, parole board members were amenable to their colleagues’ suggestions. As one member said, “If someone feels strongly and wants some type of condition placed, if a release is going to be made, the members almost always agree.” In the rare case of disagreement, parole

²⁴ Iowa Admin Code 201-45.2(1) (2021).

²⁵ The code says that special conditions can be added or deleted by the Department of Corrections or judicial district department of corrections, but this is universally understood to refer to the power of parole officers. Iowa Admin Code 201-45.2(2) (2021).

board members try to reach a compromise. As an example, one member described a situation where a member of the panel felt strongly that a person should receive a substance use evaluation, but others felt the person had already received extensive evaluation in prison. The compromise was to skip the evaluation and impose a treatment condition.

Though the law gives parole officers authority to add or amend parole conditions, for the most part, parole officers said they had no role in setting them. Several officers talked about the importance of adding a curfew condition, and those who supervised sex offenders indicated that they had a role in recommending conditions regarding avoiding contact with the victim and internet usage for those transferring from probation to parole. But generally, all said the conditions were set by the Parole Board.

Important Information for Setting Conditions

As noted earlier, review by the Iowa Parole Board involves two potential decisions: 1) whether to release the individual from prison; and if so, 2) what conditions of supervision to impose. If the Board decides release is appropriate, determining what supervision conditions to impose happens in quick succession, so parole board members may or may not consider different things in making the two decisions. Moreover, the same information may be relevant to both decisions. When asked what information is most important in setting parole conditions, no two parole board members provided the same response. Each listed numerous factors that they consider, and this may be partly because they have a vast amount of information available to them.

Tons and tons of information. Are you familiar at all with our ICON system in which we go in and look at the history, their records, their offenses, their previous releases, what happened as a result of those releases, any recommendations, concerns, or information that comes from the victims? Just a plethora of information is looked at. – Parole Board Member

Though every parole board member listed numerous factors that they consider to be important, by grouping these factors, we discerned a couple of themes in their responses. First, every respondent but one said the conviction offense was a key factor in their decision. As one parole board member said, “The facts of the crime and what actually took place are critically important to me when I’m making a decision.”

Following closely behind the conviction offense, was information relating to the person’s time in prison. Most parole board members said they considered the person’s institutional behavior, any disciplinary reports from prison, and any prison programming the person participated in, as well as whether that programming was completed.

Parole board members also said the person’s criminal history was important when setting parole conditions. But no one offered a specific explanation as to how it helped determine which conditions might be appropriate. Related to this, an equal number of parole board members said they looked at risk assessment scores when determining parole conditions. Here, parole board members expressed confusion, noting that they were baffled when people who committed very serious crimes had low risk scores. Risk also interplayed with criminal history in that parole board members sometimes felt like they should override recommendations based on risk when a person had a particularly lengthy criminal history.

I would say that I struggle with the risk assessment sometimes because I might see risk numbers that are very, very low and yet the crime in question...I look at the criminal history. I look at maybe a number of other factors and I don't always understand why the risk numbers are low. If I believe that the crime, criminal history, recidivism, and other things warrant it, I might look at those factors and downplay the risk scores, if they don't make sense to me. Sometimes that does happen and maybe sometimes all three of us will say, "Wow, look at these really low risk scores and yet look at the victimization and the violence in these crimes. It doesn't seem to make sense." That is a difficult thing to balance. But, yeah, I do use risk scores.

– Parole Board Member

A few parole board members specifically noted that they look at the needs of the person being considered for release when deciding what conditions might be appropriate. These needs include the person's mental health history or diagnosis, substance use history and diagnosis, any psychological evaluations, and whether the person had earned their high school diploma. Other factors parole board members considered varied widely, with some members reviewing prior experiences with probation or parole, victim input, and any recommendations from DOC treatment counselors.

Overall, the information that parole board members said was important to condition setting indicates that parole board members may not separate considerations for release from considerations for setting parole conditions. Condition-setting seemed to be primarily driven by the offense, the person's criminal history, and experience while in prison, all of which appear to be more relevant to determining readiness for release than which conditions to impose upon release. Thus, the decision about appropriate parole conditions appeared to be closely tied to enforcing or bolstering the risk consideration parole board members must undertake when determining release—that is, determining whether “the person can be released without detriment to the community or to the person.”²⁶

Standard vs. Special Conditions

When asked about the difference between standard and special conditions, all parole board members clearly understood their responsibility to impose special conditions. A few parole board members noted that the standard conditions are part of the parole agreement, and one observed that there is a copy of the agreement in their manual. But it was less clear how well parole board members understood the content of the standard conditions. Some parole board members said the special conditions they impose are just more specific versions of the standard conditions. As an example offered by one member, the standard conditions contain a general no contact provision, but the Parole Board can issue a special condition specifying whether that no contact is with the victim and/or the victim's family. Another parole board member thought the phrase "standard conditions" referred to the conditions the Parole Board would routinely impose based on the offense.

With sex offenses, it's always usually the same five or six prime thereabout conditions: no contact with victims, no contact with minors, sex offender treatments...I mean, there are five or six that are just routine for different kinds of crimes. – Parole Board Member

And another opined that the Parole Board used to have more options for conditions, failing to realize that all of the conditions mentioned were part of the current list of standard conditions.

²⁶ Iowa Code § 906.4 (2022).

We used to be able to say that the parolee will not drive. They won't get a driver's license. They won't drive. That they can't drink. That they can't go into a bar. We used to have a lot of options and a lot of those are gone now, and so it's a little bit more streamlined choice of conditions.
– Parole Board Member

Parole staff had a clear idea of the difference between standard and special conditions. They explained that standard conditions are in the administrative rules and are imposed on everyone without discretion. Additionally, some of the special conditions imposed by the Parole Board are more specific versions of the standard conditions. For example, one standard condition is to live in an approved residence, while one special condition allows the Parole Board to specify that residence. Parole staff indicated that the standard conditions are fairly inclusive, so special conditions are often unnecessary. They stated that parole officers are professionals and know what people need, and therefore could enforce the conditions without additional specificity.

Parole officers were not concerned with differentiating between standard and special conditions. When interviewed, two parole officers thought the standard conditions had been developed by agreement of the different supervision districts.

I think the basic ones are based on everybody coming together...because they've been changed since I have been here a couple of times, at least the wording. But I think a lot of it is just it was decided that these were the basic building blocks to hopefully a successful parole and then the additional things are more case-by-case based. – Parole Officer

Like parole board members and staff, parole officers often mentioned that special conditions are usually more specific versions of the standard conditions. However, some said that the special conditions are more related to the conviction offense or the person's charge history. For example, there are special conditions that are frequently ordered for sex offenders or those convicted of operating a motor vehicle while intoxicated. Most parole officers also agreed that substance use treatment or mental health treatment are frequently added as special conditions. When asked about different condition types, parole officers were quick to point out that they can also add conditions locally, and here they most frequently talked about adding a curfew.

Most Important Conditions

About half of the parole board members interviewed thought the most important conditions were those imposing treatment evaluations or requirements and those prohibiting contact with victims. Parole staff echoed the importance of treatment conditions, saying the need for treatment—especially for mental health—is likely an underlying driver of criminal behavior. Two other parole board members thought conditions should focus on the particular needs of the individual (not choosing to name specific conditions but to use conditions to ensure people had what they needed). This twin focus on prohibiting contact with victims and providing for treatment and other types of needs demonstrates that parole board members are trying to balance the needs of individuals on parole with concerns for public safety. One parole board member captured this dichotomy by stating that the most important conditions ensured "that they have the proper level of supervision to help them succeed and enough that we can keep an eye on them if they're misbehaving."

The majority of parole officers identified treatment as the most important parole condition. Most expressed the sentiment that people on parole have significant substance use issues and that criminal offending often stems from this. Relatedly, several said that refraining from drug and alcohol

use was also an important condition, stating that substance use and criminal offending are often interrelated. However, one parole officer said the condition is more of a case management tool to help identify if substance use is an issue for the person on parole. The next most common condition that parole officers thought was important was the requirement to remain law abiding.

Parole officers had mixed views on a variety of other conditions they viewed as important, including maintaining employment, obtaining stable housing, and complying with curfew. Three parole officers mentioned that refraining from assaultive behavior was an important condition, and one elaborated that this condition can be especially helpful when there are allegations of domestic abuse but not enough evidence to prove the offense. Three parole officers said every condition is important in some way. Interestingly, though treatment and no contact with the victim seemed to carry equal weight with the Parole Board, only three parole officers ranked no contact with the victim among the most important conditions.

I would say most of them, if you don't follow them, could have pretty serious consequences, so I think they're all important. Some of them would just not apply to some people.
– Parole Officer

In all honesty, ultimately, I think we have seven or eight conditions that most of our guys have. I don't really know that any of them are not important. I would say the main ones are for them to understand the restriction on movement, that we expect them to stay within this jurisdiction, the conduct, kind of what we expect of them, what their behavior expectations are within the community. – Parole Officer

I would say they're all important, but for the most part, the legal conduct, substance abuse, treatment and rehabilitation are a few that I would pick first and foremost as being a little bit more important than say, you know, restrictions on association. – Parole Officer

Across all interviews, treatment rose to the top as one of the most important parole conditions. All three groups also mentioned no contact with the victim, but this came up less frequently with parole officers. The conditions that seemed most important to parole officers were rarely raised by parole board members or staff, likely because parole officers work directly with people on parole, whereas the other actors are much more removed from these day-to-day interactions with people on parole.

Modifying Conditions

Parole board members indicated they rarely modify conditions once they are set. However, the most frequent modification mentioned related to the requirement of having no contact with the victim. According to parole board members, if the victim or members of the victim's family want to reinitiate contact and provide a notarized letter to that effect, then the Board can remove that condition. Instead, parole board members indicated that if conditions are modified, this action is primarily taken at the discretion of the parole officer.

[T]he PO does have a substantial amount of discretion as to whether or not to continue to impose a condition or to lift a condition. There is a small list of conditions that the PO would have to come back to the board to lift. – Parole Board Member

Parole staff confirmed the limited role of the Parole Board in modifying conditions, stating that the only conditions that require Board action for modification are the ones prohibiting early discharge and the no contact condition. It is important to note that parole board members and staff both

focused on the Board's authority to modify the special conditions of parole, which are a small subset of the total number of conditions imposed in any case. Neither talked about modifying the standard conditions.

Parole officers had a much more expansive view of their role with regard to parole conditions. As noted above, parole officers generally see the standard and special conditions as a single group of conditions imposed by the Parole Board. To this, they added the concept of "community-based conditions," which are imposed by them locally. Parole officers perceived that their starting point was the conditions imposed by the Parole Board and then they could freely add or delete these additional community-based conditions. Most community-based conditions mirror existing standard or special conditions, so parole officers did not need to take action to impose them. However, parole officers talked frequently about adding a curfew condition, which was one community-based condition that is not also part of the standard conditions.

Because parole board members perceived that parole officers had broad discretion to add or remove conditions, we asked parole officers about when and how they exercised this discretion. Parole officers explained that the language of the condition dictated the extent of their discretion. If a standard or special condition included language such as "unless approved by the Judicial District Director or Director's designee," then they perceived that they had the power to remove that condition or consider it satisfied without going to the Board to change the parole agreement. However, if a standard or special condition does not contain that language, then officers understood that they had no power to change that condition. In some cases, they noted that they might petition the Board to remove the condition, such as in the case of a no contact order. But for the most part, officers indicated they simply work within the preset conditions rather than taking steps to remove or amend them.

Parole officers do, however, pay close attention to compliance with conditions. When a person exhibits a significant period of compliance, parole officers will impart verbal praise, and in some cases, offer other rewards within their discretion. For example, one officer talked about skipping check-ins or at least giving the person a break from doing worksheets or other homework in preparation for the next check-in. Several others mentioned removing curfew or authorizing travel permits. In the following example, the officer talks about reinstating permission to drive.

I guess one example is I had an individual who did 7 years on a vehicular homicide currently on my caseload. He has a very good job. He is making \$20 an hour as a welder. He has the ability to go up. Transportation to and from his job is a huge issue. He wants to drive. The DOT says he can drive. [Based on his] parole order and conditions...we did not let him drive for a long time...[but I was able to provide approval for him to drive]... But I told him, "Even 2 years ago, you would have been spending your next 5 years not driving. Nobody would have allowed you to drive." That's a way that we're progressing. We're looking at what is in the best interest of the offender versus black and white at those conditions of parole and what you did.

– Parole Officer

Completed conditions may also lower a person's risk assessment score, thereby warranting a lower level of supervision.

Treatment isn't just about getting a certificate of completion. It's about importing those skillsets into their life and such. That becomes, I think, an additional level after that and then there's a regular follow-up with that. Generally speaking is that when there's completion of interventions and such like this and there's a demonstration of some of those stability factors—and that it's just not a superficial protective asset—then what happens is that their risk levels will probably start to come down somewhat and we might see them move into a different, a lower level of supervision. – Parole Officer

They all agreed, however, that they do not remove conditions once completed. Instead, the condition remains in place in case it is necessary to re-invoke should the person later falter during supervision.

The condition remains. It's still part of their parole agreement. There are numerous times that somebody will complete treatment, they're doing great, and then they're on for a significant amount of time, things can go poorly. They can get back into using again and they will be required to go back to treatment... It's just something that we would use later on if we had to, but otherwise they're not forced to continue to go if they have already completed the program. – Parole Officer

Perceptions About Parole Conditions

In order to understand whether there were opportunities for revising the conditions of parole, we asked parole board members, staff, and officers about the number of parole conditions, whether any conditions were unnecessary or outdated, and whether they thought conditions helped or created barriers for people on parole. As explained in this section, nearly everyone thought the number of parole conditions was about right, but parole board members seemed only to be aware of the special conditions they imposed and were not as cognizant of the thirty-five standard conditions imposed on everyone (Appendix A). Parole officers frequently raised three conditions as problematic—no alcohol use, fines and fees payment, and no association with people who have a criminal record—but they did not necessarily want conditions to be changed overall.

Number of Parole Conditions

When asked whether people on parole have too many or too few conditions, parole board members thought the number was about right. However, their responses to this question were colored by their perspective. Since the Parole Board does not actively impose the standard conditions, they seem less aware of them. For example, parole board members varied in their knowledge of how many standard conditions there are, with some parole board members stating there are about seven, while others approximated eleven. Thus, their responses were likely based on the perceived number of special conditions, which they impose, rather than the perceived total of both special and standard conditions. This was reflected in the fact that parole board members tended to discuss only the types of conditions they impose directly when providing examples.

One of the things that I have been coached on and I try to pass this along to the new members is to make sure you're not overloading a parolee so they have the opportunity to succeed. It's like you're sentencing somebody to work release. They're going to have to work, so don't send them to four types of treatment. Don't give them 80 hours of community service because they're not...you're just setting them up to fail. Try to find that happy medium of what they need, but also so they can succeed in the ones they're going to have to do anyway.

– Parole Board Member

I would not say that there's too many. I would say sometimes there are discussions around members voting that we don't want to overload them to make their release difficult. Sometimes we'll see those cases where we give them sex offender treatment, substance abuse treatment, mental health treatment, and maybe even another base treatment. We all have to stop and say, "Can this person even have the time to comply with all of these restrictions?" We want to be able to help them, but are we overloading? I think we're trying to be careful not to do that and to make it realistic so that they have an opportunity to get out and have a successful release and not be overwhelmed. – Parole Board Member

Parole staff talked about prior work to reduce the number of standard conditions. One reported that some of the standard conditions make special or additional conditions unnecessary. For example, Standard Condition 40, which covers treatment and rehabilitation, requires the person to “cooperate with any treatment, rehabilitation, or monitoring programs...required by the supervising officer” (Appendix A). For the staff member, this meant that it was not necessary for the Board to add Special Condition 40a to specify treatment. Another staff member seemed to think there were the right number of conditions based on these changes, while a third thought there were still too many.

I think sometimes there are too many. We’re dealing with a population that has not been successful. Sometimes anything more than three, they’re just going to feel overwhelmed and then they’re going to get discouraged because they screwed something up. I would say sometimes we have too many. – Parole Staff Member

Nearly every parole officer thought the number of conditions imposed was about right. As one officer noted, “there is a reason for all of them,” and none of the conditions are too cumbersome. A few parole officers reflected on how the conditions could be more customized to the individual.

I think it can be cookie cutter at times, where they try to encompass everything for everybody in one agreement, where it could be tailored more towards what they’re on parole for. But I think overall the Board of Parole does their best to try to get everything into the agreement. I would say, in my opinion, it’s okay. There could be some improvements, but it’s not awful either. – Parole Officer

The view that the number of conditions is about right was undercut by one officer who said, “I think you could be more specific on if it applies to that individual personally.” This statement indicates that not all conditions are applied in every case, and indeed, parole officers often talked about selective enforcement of conditions (see section on *Unnecessary Conditions*). However, parole officers seemed to want to have the conditions in place “just in case.” As an example, one parole officer recounted a story in which a person under their supervision was arrested in another county. Though the officer had initially said it may not be a good use of their time to have to approve travel outside of the county,²⁷ especially for work or grocery shopping, the officer expressed relief that the no travel condition was in place to address this situation.

Ultimately, stuff like that maybe needs to be in there because then if you’ve got somebody, they get arrested in a county five hours away on a weekend or something like that, then you’re kind of like glad that that rule’s in place. – Parole Officer

Unnecessary Conditions

Parole board members were not asked whether any conditions are unnecessary or outdated. But one member noted that the Parole Board continually reviews conditions and from time to time eliminates those that no longer make sense, like chemical castration for sex offenders. Parole staff had mixed views. One staff member said that none of the conditions are unnecessary or outdated, and described how the Board has worked on revising the standard conditions “to make sure that the conditions convey what the Board intends and also so that the parole officers and parolees can understand fully what the expectation is.” Another staff member said there are too many conditions.

²⁷ Standard condition 10, which addresses restrictions on movement, includes the statement, “I shall not leave the county of my residence unless I receive prior permission to travel from my supervising Judicial District Director or Director’s designee.” See Appendix A.

Interestingly, both pointed to the no alcohol condition as potentially problematic, noting that the condition can result in violations for people who have never had an alcohol problem.

Parole officers held a variety of views on whether any of the standard conditions were unnecessary or outdated. They frequently raised three conditions as problematic—no alcohol use, fines and fees payment, and no association with people who have a criminal record—but as discussed at the end of this section, they did not necessarily want conditions to be changed overall.

The most frequent point of discussion was the condition prohibiting the use of alcohol. Several parole officers noted that the condition does not make sense when applied to people who have never had a drinking problem. One noted that the condition can be useful for people who have experienced drug addiction because those individuals may transfer their addiction to alcohol. But for the most part, parole officers thought this was an area where the Parole Board could be more discerning in applying the no alcohol condition. One officer described the enforcement conundrum created by having no alcohol as a standard condition.

When you have those blanket conditions, it kind of in a way puts the PO in a spot. Because here you are, part of your job is to enforce these conditions, so you really don't want to just ignore it and say, "Hey, I'm going to let..." You can't tell him, "It's fine if you do it," because that's totally going against what your job is. Then you do really want to tell him, "Just don't do it again, but I'm not really going to pay attention?" There is some of that in there that can put you in that situation and you're not going to bring them to a parole hearing because they like to drink a few beers once in a while. What are you going to do, take them in front of an ALJ, or something like that, when it has nothing to do with their charge? – Parole Officer

A second area that came up frequently was the condition requiring payment of fines and fees. While all officers agreed that payment of these obligations, including restitution, is important, most also stated that they would not file a parole violation for failing to make such payments. They noted that the courts rather than parole oversee collection, and that the courts handle payment plans or garnishment as necessary.

The economic one is a little...a lot of times, our guys are coming out and a livable wage isn't attainable, at least not in the short term. Expecting them to pay all these fines and fees and such, that's where the individual parole officer's discretion comes into play, and he needs to make a judgment. I'm not sending anybody to prison because he couldn't pay his \$300 supervision fee. I'm just not going to do it. – Parole Officer

A third area of commonality was the condition restricting association with other people who have a criminal record. Parole officers noted that this restriction can sometimes separate a person on parole from their family or support network. As one officer noted, "it doesn't necessarily have to be on a parole agreement for us to discuss with them who they're associating with and why they shouldn't." If particular relationships are a problem, it will manifest into other behaviors that will lead to violations. But as one officer noted, parole officers frequently make exceptions for this condition.

Because lots of times it's their own family, so telling them they can't be around their family, or someone that they care about, or is supportive of them, doesn't make sense. – Parole Officer

One officer described how a cluster of conditions have been particularly problematic for sex offenders: no alcohol, no internet, and no contact with the victim's family. With regard to the no alcohol condition, the officer noted this condition is especially difficult because sex offenders are on supervision for such lengthy periods. The officer recommended removing it if alcohol did not play a role in

the offense. With regard to the no internet condition, the officer noted that everything is done online these days, so this condition really interferes with daily life. Instead, they suggested the condition could be limited to those who sought victims online or software controls could be implemented to prohibit certain activities. Finally, the officer noted that the condition prohibiting contact with the victim's family can be too broad for sex offenders and should be more targeted and specific. Often the victim is a family member, so by specifying no contact with the victim's family, the Board is also cutting off potential social support from other family members.

Parole officers mentioned a few other conditions as well. One said that monitoring the condition prohibiting travel outside the county is not a good use of their time, but then also seemed to appreciate having the condition for the rare times when issues emerged. Another pointed to maintaining employment, stating that if a person is struggling to find a job, they should respond with employment services rather than sanctions.

Although several parole officers identified conditions they deemed problematic, they also for the most part did not suggest removing these conditions. Instead, most said the parole officer has latitude as to how they enforce conditions and that is sufficient. For example, two parole officers noted that they would not violate a person for failing to pay fines and fees. In another example, an officer said using marijuana is very different from using methamphetamine. This officer would enforce the no drugs condition for methamphetamine use, but not marijuana unless there was some evidence the person was involved in trafficking. And as noted above, officers frequently make exceptions as to who the person on parole can associate with to help maintain contact with family and other members of that person's support network.

This dichotomy raised by parole officers—that several conditions are problematic but that they don't necessarily think the conditions should be changed—is likely grounded in their views about the purpose of parole conditions. As explained in that earlier section (see *The Purpose of Parole Conditions*), parole officers almost exclusively viewed conditions as setting parameters for behavior. They would rather have the structure in place and the discretion to disregard the structure when they feel it is appropriate to do so. The example of the officer who thought enforcing the condition prohibiting travel outside of the county was not a good use of time illustrates this dichotomy. On the one hand, the officer did not want to be bothered with such a minor issue. But on the other hand, the officer wanted the structure in place to allow for a violation when, as the officer explained, the person committed a crime in another county. But this view ignored the fact that commission of the new crime in and of itself was a violation, and arguably, was also the greater issue in that case.

Conditions as Barriers or Helpful

When parole officers were asked whether parole conditions act as barriers or are helpful to those on parole, three major themes emerged. The first was that conditions are neither barriers nor aids, they are just expectations that provide clear, upfront guidance as to what a person can and cannot do while on parole.

I believe you have to have a set of guidelines to follow. I don't necessarily know that...you can ask somebody three months after you've signed them up, "Do you still have a copy of your parole agreement?" They've got no idea where it's at, so it doesn't hold a lot of weight for them. But you have to give them something to give them a guideline of, "This is what you can and can't do." ...Some of them will hang it on their refrigerator, but they don't look at it. But they know what they're supposed to do and not do. – Parole Officer

Some who took this view also said having these parameters for behavior gave parole officers the opportunity to talk with individuals about how changing their conduct can lead to better outcomes.

Again, they're more of a guideline and a way to discuss some of the things that led up to the area that got them there. You can talk about how changing those behaviors and changing those things can maybe lead to successful parole and a more successful life. – Parole Officer

A second theme that emerged was that parole conditions can act as barriers. One condition discussed frequently by parole officers was the condition to refrain from association with people who have criminal records. For some people on parole, this precludes associating with family members who can serve as the person's social support system, which in turn presents a barrier to successful parole completion. In one interview, an officer noted that parole conditions often create additional pathways back to prison. This officer offered an example where a person who simply wanted to participate in a Black Lives Matter demonstration faced revocation to prison should their involvement result in an arrest.

Let's say you have somebody who decides, "Hey, I'm going to go down to the Black Lives Matter demonstration. I feel passionately about this. I want to go demonstrate." If they're down there and they get arrested, that's a violation. They could go to prison. The person next to them could get arrested and they get released and it's not a big deal. That's maybe a public disturbance, that kind of thing. It's the same situation, but it's viewed as more serious because this person is a criminal. This person is not. – Parole Officer

A third theme was that the conditions in and of themselves are neither barriers nor aids. Rather, the ways that parole officers respond to violations create barriers or aids. As one officer said, "A lot of it is going to come down to the officer themselves, how they interact with the person, and how they enforce or discuss the condition." One officer used substance use as an example, noting that if substance use is viewed as a crime rather than a disease, then any drug use will result in a violation.

Versus if I think about substance abuse as a disease so much like if I'm diabetic, and I eat a piece of cake, and my blood sugar goes up, that's not a violation. It could definitely affect me. I could have some pretty serious consequences from doing that more than once, and it's the same with substance abuse, but we don't see them as the same thing. We see substance abuse as a criminal behavior when it's not necessarily a criminal behavior. It's kind of that impulse, the same as the cake. – Parole Officer

In this example, responding to drug use as a violation would serve as a barrier whereas responding to drug use with an updated assessment or a change in treatment could serve as an aid to the person on parole. Thus, as this officer underscored, evaluating the responses to conditions is just as important as evaluating the conditions of parole.

Risk Assessment

Because risk assessment is one possible source of information when setting parole conditions, we asked about how risk assessment is used in the Iowa parole process. As this section will show, for staff overseeing people in prison, risk assessment is used for determining appropriate treatment and managing risk in prison. But they use professional judgment rather than risk assessment when recommending parole or not. For the Parole Board, risk assessment helps in deciding whether to release someone on parole and whether to require two specific conditions: intense supervision and no early discharge. For parole officers, risk assessment is heavily used in case management. It is used to set the supervision level and number of contacts and correlates with parole officers' tolerance for deviation from the case plan.

Use of Risk Assessment

Parole staff explained that risk assessment drives programming for people while they are in prison. All individuals entering prison are initially assessed with the Iowa Violence and Victimization Instrument (IVVI) and Iowa Risk Revised (IRR), both of which gauge risk to reoffend.²⁸ The IRR focuses on general risk to reoffend and is used to establish the person's supervision level while the IVVI focuses on risk of violent reoffending. Individuals who score low on these assessments or who will have a prison stay of eight months or less are not further assessed, and their institutional programming focuses on readying the individual for reentry. Individuals who score medium or higher on the initial assessments are further assessed using the Dynamic Risk Assessment for Offender Reentry (DRAOR), which is a structured assessment of dynamic risk, responsivity, and protective factors. The DRAOR is used to identify treatment goals and strategies to manage potential risk in the prison setting.²⁹ Parole staff explained that the DRAOR is updated every four months while the person is in prison, so that treatment providers can determine the degree to which programming is working (or not working) to address the person's needs and lower their risk to reoffend. Sex offenders receive an additional battery of risk and needs assessments specifically designed for that population.³⁰ Though risk assessment tools are used frequently during the person's prison stay, parole staff indicated it is not routine to run a final assessment just prior to release. This may be because supervision officers are expected to conduct their own assessments, which are geared towards field supervision, during the person's parole intake process.

Parole staff are responsible for preparing the docket, which is reviewed by Parole Board members. The docket is a summary of information about the person being considered for parole including the person's criminal history, record of past releases, conduct and programming while in prison, and parole staff's recommendation whether to release the person. The docket contains risk level results for the IVVI and IRR (e.g., whether the person scored low, moderate, or high) and the corresponding supervision level resulting from these assessments. The docket also contains a section on interventions the person has received, but this section was redacted in the copy provided to Robina, so it is unclear what type of information was provided.

²⁸ IDOC Policy IS-CL-03, Classification (Effective May 2021).

²⁹ *Id.*

³⁰ *Id.*

While parole staff routinely recommended whether a person should be released, it was less clear whether they also recommended specific parole conditions. Parole staff were very focused on their role in making release recommendations, and for that reason, it may have been difficult for them to disentangle this process from the considerations that went into recommendations for parole conditions. But as demonstrated in the following quotes, it appears that parole staff used a mix of standardized risk assessment information and professional judgment in making their recommendations.

The DRAOR assessment's used in the Iowa institutions to put people in programming. I guess in a roundabout, secondary way, yes, because we've already used it to put guys into programs based on their scores. I would suppose if we are DRAOR-driven, as far as what we've put them in for programming, then it also influences their recommendation. Because, for instance, we wouldn't recommend them for a release until they have completed a certain intervention because that is targeting a specific need. But I don't...if you're asking if like during the process of writing up a Board of Parole review that I might say something like, "Based on the scores for violence in the DRAOR," it would be no. – Parole Staff

I can't think of a time when I was sitting here in my office and coming up with a recommendation for the Board of Parole or I went in and I analyzed and went over the individual assessments, because by that time I know that client. He's been on my caseload long enough. I know him. I know him well. I know what risk he's going to have because I've been involved with his re-entry case planning, usually for years of his life. – Parole Staff

I do consider their risk to reoffend, what their risk assessments are and not, and yes, I am cognizant. I am observant to what the paper says as far as what their risk says and what the assessments say their risk is, but also as far as discretionary is concerned, what I feel their risk is and what the Iowa Department of Corrections feels their risk is. Whether it's the literal risk assessment, or it's just our conscience risk assessment of what this individual is re-entering society, that is a driving force as far as conditions and whether a release is recommended to begin with. – Parole Staff

One parole staff described at least one reason why they might not recommend specific parole conditions. In the following discussion, they indicated both that the standard conditions already covered the area of concern and also that being too specific in the wording of conditions could create trip-wires for parole violations.

I know that's a standard condition for a lot of offenders, is to obtain and maintain employment. But if I had a case come up that was just glaring appropriate that they had some job skills but they had no work experience, they had no idea how to get a job, I might say that they're recommended to pursue employment or employment skills through Iowa Works. But I also don't want for that to be a part of their parole plan. Because if they get a job and don't go through Iowa Works, then technically they're violating that condition of their parole. – Parole Staff

For most parole board members, risk assessments were one factor amongst many when determining whether to release a person to parole. Every board member could recall receiving training on risk assessment, though a couple members indicated that it was at least a year or more prior to the interview, and at least one member desired more training on the subject. And, as noted earlier in this report (see *Important Information for Setting Conditions*), several parole board members did not understand the relationship between risk assessment and the seriousness of the offense, often

questioning why a risk assessment score would be low when a person had been imprisoned for a violent offense.

Discussions about the decision to release and parole conditions were very interrelated for parole board members. In this vein, risk assessment information seemed to be an important factor in the parole decision. One parole board member noted that risk assessment helped them determine if the person was a good risk to the community, which is the Parole Board's standard for release.

The risk factor of perpetuation for reoffending, perpetuation for violence, perpetuation for a number of things is very important. Hopefully that is analytical information and accurate, and we assume that it's accurate, which should then very well tell us how safe this person is to put out in the community, how safe the community will be if this person is there, and how this person themselves feels about their being able to endure and survive in the community. I think very important. – Parole Board Member

Several parole board members explained that risk assessment information helped them to assess the need for two particular parole conditions: intense supervision or no early discharge. But here too, parole board members were often confused when a person who had committed a violent crime scored low on the risk assessment(s).

Because even, for example, if the risk scores are low, we're not supposed to put intense supervision. But we will often still try to do that if, in our opinion, the violence involved or the long, extended criminal history seems to warrant intense supervision, even if the risk scores aren't there. – Parole Board Member

Thus, as explained in the following quote, parole board members know about risk assessments and have received training about them, but struggle to connect the information with the decisions they have to make.

We've talked about protective factors, I think, in all of that about how we lower the risk—and I took that to heart—is that do we slack a little on these. Especially that 20c [no early discharge] is concerning to me and I think about why do we end up doing that? Where are we at on that? I definitely have...I don't...I'm trying to understand where the gap is and why we aren't fitting in hand and glove. That I think there needs to be robust conversation regarding tools and assessments. At the same time, what's the margin of plus and minus? Because a parole agent has a large caseload. I think we kind of try to pull that balance in there. But I think there are opportunities. I think that there is some opportunities here. – Parole Board Member

For parole officers, risk assessments were tools for case management. Parole officers explained that when a person is placed on parole, they conduct a new round of risk and needs assessments. As in the prison, they first conduct a pure risk assessment—the IRR. If the person scores three or higher, they then administer the DRAOR. The IRR sets the level of supervision (1 through 5), and in some cases, the DRAOR provides cause for raising that level. As explained in the next quote, the level of supervision in turn drives the frequency of contact the person will have with the parole officer.

The Level 5s have increased contacts, they have curfew, they have more frequent residence checks, whereas a Level 2 has few reporting requirements once every 60 days, and we probably aren't going to push and push and push the treatment like we would with a Level 5. – Parole Officer

Parole officers indicated that the risk and needs assessment tools were often an important source of information for identifying the areas a person on parole needed to work on. But some also said that they could learn the same information by talking and working with the individual.

It shows us what areas they need to address. Yeah. I don't know if we use it to just like add extra conditions, but we could recommend that they get an evaluation whether it's mental health or substance abuse, or do domestic classes if needed. – Parole Officer

There were only three instances where parole officers directly tied risk and needs assessments to the conditions of parole. In the first instance, an officer explained that the results of the IRR set the supervision level, which in turn sets the conditions. For example, Level 5 supervision requires an additional curfew condition. The second instance involved amending conditions to fit the specific situation of the individual. In this instance, the parole officer looked to factors other than risk and needs to guide the decision whether to lift the standard condition not to associate with people who have a criminal record.

But as far as amending parole conditions, it's going to be pretty situational. Like the example I used before for restrictions on association—if somebody, say, his wife is on probation, or husband is on probation—the risk level won't determine whether or not that's a yes or a no. It's going to be situational and depending on the stability of the plan and the residence.
– Parole Officer

Finally, one parole officer explained that there is a standard condition for the person to comply with treatment, and their role is to identify which type of treatment is most appropriate given the needs of the individual. Thus, risk and needs assessment helped this officer implement the parole condition but did not drive the assignment of the condition in the first place.

Though no one discounted the importance of the risk and needs assessments used during supervision, most put more focus on the supervision level, which seemed to drive their case management practices. As seen in this first quote, supervision level prioritizes the individuals with whom parole officers should spend most of their time. However, the second quote also shows that because risk drives the supervision level, it also sets an officer's tolerance for deviation from the case plan. The higher the supervision level, the quicker parole officers may be to move to a violation.

We had a recent overhaul in our Level system across the state. In my words, the takeaway from that is the majority of our resources, the majority of our time and energy, the majority of our individual sessions needs to be focused on those Level 4s and 5s cases, the higher-risk cases. As we're making decisions on parole cases, we absolutely take into consideration their level of supervision. – Parole Officer

The lower-risk person we would probably not intervene as quickly as a higher-risk person. Actually, depending upon what it is. For instance, if the issue is substance abuse or mental health, we will work to get them involved with those services probably equally, I guess. But if it's a higher-risk person, if they don't conform or go along with those attempts at intervention, then we might seek a legal avenue quicker. – Parole Officer

Perceptions of Risk Assessment Tools or Process

All but one of the parole officers interviewed expressed concerns with the two risk assessment instruments. These concerns were strong enough that officers frequently talked about the dilemmas they faced in trying to stay in line with policy versus doing what they thought was best for the person on supervision.

So then you're kind of stuck. Do you fudge the assessment so that you can keep him at the score that you think you need to, or do you do it and then try to override it down?

– Parole Officer

Regarding the IRR, several officers noted that the instrument did not account for issues and events most relevant to how they supervise individuals on parole. As one officer said, “It’s so confusing to me as to what they have on there and why that really has anything to do with what they’re doing when they’re in my office.” One officer noted that because the IRR is administered at the start of supervision, it does not account for offenses committed during supervision, like new domestic violence offenses, which in the officer’s estimation should increase the person’s risk level. Another officer thought some of the questions were biased. He explained that a person increases their risk level for moving within the past year, even if the move improved the person’s situation. Additionally, more than one officer noted that the IRR does not account for mental health.

It’s based a lot on your criminal history. How many times you were revoked...those things, so it’s very violence driven. Just because somebody is violent, yes, they do need more attention and they need a higher chunk of the resources, but that isn’t always reflected of someone who doesn’t have that violent history. If they’re lower functioning and they have mental health issues, they’re going to use up a lot of our time too. We’re just not going to get as much credit for it. – Parole Officer

Regarding the DRAOR, parole officers’ concerns fell into four categories: lack of understanding about the assessment, worry about subjectivity with the instrument, concern about specific scoring components, and disquiet over results moving people on parole up but not down the supervision continuum. The DRAOR is administered frequently because the goal is to measure changes in dynamic factors. However, not everyone understood how the DRAOR worked, as evidenced by this discussion by one officer.

The next assessment we do, which is an ongoing one that we do every 30 days, is probably more weighted towards what’s going on right now. But to be honest with you, a lot of the categories, I have no idea what they mean. Some of the words I’ve never even heard of before. We do have a guide to go along with it. But even the instructions on the guide...I don’t even really know how to ask some of the questions because I don’t know what they’re talking about.

– Parole Officer

That the officer continued using the instrument despite not understanding some of the words and reasons for specific sections indicates how risk assessment is also an area where parole officers exercise a great deal of discretion. They likely use the parts of the assessment that make sense to them, while ignoring those parts that do not.

Relatedly, several officers noted that DRAOR scoring is very subjective, but they disagreed on whether that was good or bad. One officer said, “[T]he DRAOR is completely subjective. That bothers me,” while another said, “[I]t allows for a lot of judgment on a POs part—I guess that’s a good thing.” Thus, officers who wanted more objectivity and structure in their decision making were bothered by the

subjectivity of the instrument, while those who wanted more discretion viewed the subjectivity of the instrument in a more positive light. This tension was evident in the explanation by one officer who thought there were two things at play simultaneously: inconsistent scoring across officers, sometimes resulting from personal bias, and deliberate manipulation of the scoring.

I think on your dynamic issues, sometimes it's a little harder to have unity with what it is that you mean, and even within individual...I think that sometimes there is just a certain amount of bias on the case manager that can creep into it. Then on top of that is not just bias, but I would suggest that there is more of a premeditated effort from some case managers to either over-score risk or under-score risk, contrary to what they think their score really should be. There's a number of motivations why they'd do that. – Parole Officer

Regardless of the reason for it, this perception of subjectivity in scoring indicates that the instrument may not be clear or that additional training or quality control procedures may be needed to align scoring values between officers.

Parole officers also had a few specific concerns about the scoring components of the DRAOR. First, an officer noted that while the instrument does account for the number of times a person has been on supervision in the past, it does not take into account whether the person absconded, which they saw as a much higher risk behavior. Second, officers thought the DRAOR downplayed substance use offenses by failing to differentiate between types of substances and drug-related activities. According to officers, the DRAOR treats all drug use the same, though some drugs are more harmful than others. For example, officers saw marijuana use as less harmful than methamphetamine use, yet both drugs are the same on the DRAOR. Additionally, the DRAOR does not differentiate between drug use and drug dealing, the latter of which parole officers saw as behavior meriting higher risk value. Furthermore, officers did not think the DRAOR recognized the risk of drinking and driving.

Finally, the concern that came up most frequently regarding the DRAOR was that even though the instrument was designed to match supervision to rapidly changing dynamic risk factors, it was much easier to increase rather than decrease a person's supervision level. One officer explained it this way.

If an individual has some things happened in their life, they may score higher which may then jump them a level. Then the next month, they may get all that under control again and scored back down, but yet they stay at that higher level. It seems like with the DRAOR it's easier for individuals to bump say from a 4 to a 5 level of supervision, but then when they score the exact same thing, they continue to stay at that 5 and it takes a lot more to get back down to that Level 4. – Parole Officer

When faced with this situation where a person on parole had done exceptionally well over a period of several months, one officer described having to “fudge” the assessment to bring the person down to a lower supervision level. This scenario came up several times, indicating that the interaction between the DRAOR and supervision levels may be an area meriting a policy review.

Handling Violations

Though this project aims to understand how conditions are set, we also asked how violations of conditions are handled to better understand the role that conditions play in Iowa's parole system. Parole board members indicated they do not have a role in responding to parole violations. They regularly review statistics on parole violations, but administrative law judges (ALJs) handle parole violations. Therefore, board members do not actively decide whether to revoke parole. Several did indicate, however, that if the person is revoked, that person may appear before the Parole Board when the person is again eligible for parole.

Parole officers have a continuum of responses for parole violations. On one end, they can utilize informal interventions such as talking to the person or having them do homework assignments related to the behavior that constitutes a violation. At the other end, they can arrest the person and file a formal violation. In the middle of the continuum, parole officers can take steps like requiring additional treatment or programming or adding a curfew or GPS monitoring. How they respond depends on the seriousness of the violation.

Because if somebody violates their curfew four times and that's the only violations you have, that's not stuff that you're going to take to a judge and say like, "Hey, I want to lock this guy up or put him in work release." Or something like that. It's more like, "This guy is using," or, "He's picked up a domestic." Or something like that. Those are the ones that you really have to address. – Parole Officer

Parole officers explained that they take longer to file a formal violation when the person only has technical violations. They said they will try other interventions first to try to get at the root cause of the behavior. For example, one officer described a situation in which a person on parole called a woman with whom he was ordered to have no contact under his conditions. The officer tried to find out what happened and why the contact was made. After learning more about the situation, rather than file a violation, the officer chose to discuss the behavior with the person on parole and encourage them to stay away from the drama that led to the condition violation. However, at least one officer disagreed with responding in this way because, as the officer explained in the next quote, the practice could potentially disincentivize people from following parole conditions.

Now, with technical violations, we've been waiting quite a bit. Unfortunately, the clients know that, so they think it's a free pass to use whenever they want because they have kind of learned that we're not going to file right away unfortunately. Then they just keep using. – Parole Officer

Nearly all parole officers said they would be quick to file a violation if it involved commission of a new offense or assaultive or violent behavior. This seemed to be partly driven by state law, which requires revocation for certain felony and aggravated misdemeanor convictions, and partly by policy, as explained in the next quote. One parole officer also noted they would file a violation for "anything with guns."

Now, there are a handful of mandatory violations that we have to report to the Board of Parole. Those are any new arrests for a felony or an aggravated misdemeanor, any assaultive arrest or assaultive conduct, absconding. Those are going to be the most common reasons that we file because we have to file, or we have to notify the Board of Parole. – Parole Officer

One area of disagreement among parole officers was in how to handle substance use issues. One officer described a clear path with a gradual escalation of responses.

What I would usually do is at that point we discuss how it happened, why they think it happened, what they could do differently. If they're involved in treatment, we make sure that they contact their treatment provider, discuss what's going on, and see if they need to make any adjustments to their program. We come up with better ways of dealing with whatever situation. If it continues, especially with somebody who is drinking all the time...with drinking we give them...sometimes you can have a monitor that we send home, so they have to blow through a breathalyzer at certain times every day. If they continue to drink on that and they're on for OWIs, a lot of times they would end up going to jail, maybe going to treatment from there. But for the drug use mainly, what we've been doing especially now is continuing to work with them until at some point if they are using a dangerous amount, continuing to do it, losing their job, quit treatment, getting in even small arrests, or whatever, at some point we're going to put the brakes on. We would put them in jail in order to hold them there, try to get them sobered up a little bit, to get them into inpatient treatment or some sort of sober-living environment. Most violations we're going to discuss them. If things don't change, if things don't modify...if behaviors aren't modified at some point, then I guess our last resort is them going to jail and then coming up with a plan from there, whether it's being revoked or being released out to try to do some fruitful things in the community. – Parole Officer

Another parole officer believed in gradual escalation but questioned whether confinement was an appropriate response if a person did not respond to treatment.

Just I've got some people that I struggle with. Eventually, like I tell people like, "I have to do my job." But I struggle...taking somebody in custody, I guess, is something, I take it pretty serious, and so I struggle sometimes with somebody. It's like, "Well, I don't think they're victimizing anybody, but they keep using drugs." And I struggle with, "Well, they're non-violent, but they keep using." Granted, they're not following the rules, but I struggle with like recommending that those people go to prison. – Parole Officer

Still, a third officer thought current practice encouraged, rather than discouraged, substance use. They further stated that they would prefer to return to the older practice of revoking parole after a few positive drug tests.

I would like to go back to the way it used to be where if somebody had a couple of dirty UAs, wasn't going to treatment, and maybe wasn't working, that you could file a warrant, have them picked up, and then address it from there. I'm not saying that some people don't still do that, but it's kind of what we're not trending to do right now... Because everything now is about budgets and jail confinement costs, and I think that drives more of what we're doing than necessarily rehabilitating the person. – Parole Officer

One option parole officers have short of filing a parole violation is to file an information. An information notifies the Board that the person is engaging in behavior that could constitute a violation, but that the parole officer is working through the issue with the individual. The upside for the person on parole is that the matter does not immediately proceed to a violation hearing. The downside is that

if the person continues to engage in the problematic behavior and a violation is later filed, they may lose good time dating back to the original date of the information.

Once parole officers file a formal violation, it is also their role to recommend whether the person should be revoked. Revocation is automatic if the person is convicted of a new felony or aggravated misdemeanor and is sentenced to prison. But in other cases, an ALJ must determine if revocation is warranted. Parole officers explained that they tend to recommend revocation when the violation involves violent behavior or absconding, substance use if the person is using all the time and refusing treatment, or other technical violations if the person is not engaging in available programming.

Throughout the interviews, there was also a strong theme of parole officers trying to work with people on parole to avoid revocation. Some parole officers indicated that when they file for technical violations, they are not necessarily seeking revocation. Instead, they sometimes use the violation process to grab the person's attention when they are not taking appropriate steps to get back into compliance. One officer explained that it is common to seek a continued disposition, in which the person might receive work release or a drug treatment placement and be given another chance to follow the rules of parole; the person's progress is then reassessed after three months to make a final determination of how to dispose of the violation.

Officers said that revocation is a last resort when violations stem from mental health issues. They explained that most mental health services are provided on an outpatient basis, but some people on their caseload require longer, more intensive inpatient treatment options. As one officer explained, this creates a situation where confinement is the only option to protect the person on parole and others. Similarly, another officer said that recommending revocation in these situations depends on the urgency of need. This officer provided an example where they thought prison would be a safer environment for an individual who expressed suicidal thoughts.

Some of it is, I guess, the urgency of need. If I have somebody that I have some concerns about, like the first guy that I gave the example of because he was, in my opinion, a little bit suicidal, I wanted some immediate intervention to help give him that support. That's why my recommendation was prison because I knew that if he was revoked to prison he would stay in jail until he was able to get into the institution. That would serve a two-fold purpose. It would allow him to stay in an environment where he is watched and he's observed, and also he would transition to IMCC [a prison intake facility that doubles as a psychiatric hospital].
– Parole Officer

Parole staff indicated that parole violations are filed most frequently for committing new crimes, failing to attend or complete treatment, substance use, and a handful of other technical violations, including moving without permission or missing appointments with the parole officer. Like parole officers, parole staff explained that ALJs try to find alternative dispositions to revocation. For technical violations, they may look for patterns of behavior and utilize treatment evaluations to aid in their decision. For violations involving new crimes, ALJs prefer to let the court process play out for cases that can result in automatic revocation (those convicted of a felony or aggravated misdemeanor and sentenced to incarceration). For other cases, the response depends on the severity of the offense.

Parole staff explained that when parole is revoked, the ALJ who made the revocation decision does not determine the length of reincarceration. Instead, the person goes through an intake and evaluation process similar to their initial commitment. The difference is that the focus shifts to reentry planning, and completing whatever programming is deemed appropriate at that stage. If the person has a new conviction, the new sentence will dictate when the person can go before the parole board

again. If the revocation was for technical violations, the person will go before the parole board for review in six months, unless the DOC recommends they be reviewed sooner. The ALJ also determines if the person forfeits the application of any time spent in the community towards their sentence. This forfeiture can date back to the date of the violation. Parole staff indicated forfeiture is more common when the person is revoked for absconding. But in some cases, if the person has very little time left on their sentence, the ALJ may forego forfeiture so the person can serve the remainder of their sentence in prison and then be discharged.

Successful Completion

When asked what people on parole need to be successful, most parole board members focused on the basics such as income, housing, and community support. These were seen as necessary to the success of all people on parole. Beyond the basics, a few parole board members noted that what people need may vary. Some may need drug treatment or mental health treatment, for example.

Others on the parole board spoke of more intangible things. For example, one said that people on parole need “to not be treated like a convict...to be recognized that they have value, they have worth, they have potential, and they have support.” Another parole board member said people on parole sometimes need confidence. While a third parole board member said people just need the right attitude.

I mean, I'm sure a lot of it is the confidence that they do or don't have when they leave the system, when they leave the institution. They've been able to build some confidence in their work skills or there are people skills, or their social skills, so they can go out and do something different than what brought them in. – Parole Board Member

I think it's a decision of the will, it's accepting conditions and terms, it's believing in the process, that buying into these conditions and complying with them is actually in their best interests and not punitive. I think it's posture. It's their posture towards what's happened and what's happening now. I've noticed amongst a lot of offenders that we've interviewed that you've got offenders that think they're victims. They have been victimized, a lot of them, in the past that led to hurting other people. But I think if they're stuck in that space where they think they're victims, it's difficult to succeed on parole and we see those folks back quite a bit. A lot of it's about ownership, posture, and an attitude to succeed. – Parole Board Member

Parole staff had similar views to the parole board. Two focused on practical considerations, stating that people on parole need more treatment options—especially those that do not cost money—as well as the support and guidance of their parole officers in reintegration. But two focused on more intangible concepts. One remarked that people on parole need to experience some success in order to achieve success, stating they have “got to have some things that are going right, that they can build on, and they can be encouraged by.” Another stated that in order to be successful a person on parole needs to focus on the barriers or issues that resulting in their imprisonment.

In my mind, successfully completing parole is not just compliance with the conditions, but working on the barriers or issues that present that got them there in the first place. A successful parole, in my mind, is not only complying to the point of discharge, but then we don't see you again. – Parole Staff

Parole officers echoed these views. Like the parole board, most parole officers focused on the basics, stating that people needed employment, housing, and social support to be successful. They also noted that many need treatment for drug use and mental health issues. Beyond that, some parole officers also focused on the intangibles, stating that people on parole needed a desire to change in order to be successful. As one officer noted, “if somebody doesn't want to change, you're not going to put something magically in place where all of a sudden they want to be pro-social.” What differed

for parole officers from the parole board and other staff was that many saw their relationship with the person on parole as key to that person's success.

I'd like to think that if I have a good rapport with somebody, that that would be a motivator. I think that no matter what's going on, it's important that the client always feels like you are on their side—even if you are taking them into custody—that they think like, “Well, I understand why they're doing it. – Parole Officer

When asked what barriers exist that prevent people from successfully completing probation, parole board members overwhelmingly pointed to income, jobs, and education. Parole board members talked about the interrelation of these areas, noting that lack of education is related to inability to get a job, which results in lack of income, which affects a person's ability to do almost everything. For example, lack of income could lead to lack of transportation, which may make it difficult for a person to complete their conditions of parole. This sentiment was echoed by parole board staff, who noted that transportation can even be a problem in the larger cities where using public transportation to attend an appointment can take hours.

One parole board member noted that a large percentage of inmates do not have a high school degree, which hampers their ability to get a job. Another member noted that it is simply the fact that the person has a criminal record that bars them from employment. This concern was echoed by parole staff, who noted that having a felony conviction made it difficult to get a job, and not having a job in turn made it difficult for people to obtain housing. Thus, every aspect of life could be affected by being a convicted felon. A parole board liaison made a finer point on the lack of financial resources, noting that in addition to needing resources to meet one's basic needs, people on parole often also had high levels of financial debt related to their cases (i.e., court costs, fines, and fees), which further exacerbated their situation.

On the other hand, for one parole board member, a basic consequence of not being able to obtain a job was that a person would have too much free time, which in turn leads to repeat criminal offending.

The worst thing that people, anyone, especially those who have the potential for committing crimes can have, is way too much free time and so one leads to the other.
– Parole Board Member

Relatedly, another parole board member indicated that some people return back to the setting that led to their criminality in the first place, but noted that when this happens, it is likely also because the person lacks resources to make a bigger change in their lives.

A few parole board members focused on the lack of available mental health and substance abuse treatment in the state. This view was echoed by parole staff who saw lack of treatment as an underlying cause for other types of parole violations. And one member noted that mental health in and of itself could be a barrier, when, for example, a person went off their medications.

For parole officers, several different themes emerged when asked about what barriers there are to people successfully completing parole. The first related to the inability to obtain jobs and housing. Similar to parole board members, most parole officers thought that just the fact of having a criminal record created barriers such that certain employers and landlords would not even consider a person on parole. For those facing rejection in both areas, parole officers noted that the situation could be destabilizing and lead to behavior that resulted in parole violations. One officer related the issue more generally to poverty, noting that a systemic lack of resources undergirded many of the issues people on parole faced.

I think systematic poverty is probably the most predominant factor that I have to deal with. Unfortunately, it's one of those things that we traditionally ignore in the criminal justice system, our criminal justice literature, our training, and our policies. We don't look at poverty. When we look at the DRAOR, show me where poverty is on there. Show me where poverty is a criminogenic risk factor. It's just systematically ignored and it's disheartening.

– Parole Officer

A curious dichotomy arose with regard to employment. Some stated that people on parole are able to get jobs, but the jobs they are able to get do not pay a livable wage. As one officer noted, this can really defeat a person's motivation to remain law abiding.

If they come out, if they're working at McDonald's, they're doing what they're supposed to be doing, but they see their buddy that's selling drugs or doing whatever, and he's driving a fancy car, he has him a new cellphone, he has this, he has that... I mean, it's hard. I couldn't even imagine being in that situation, where I'm making minimum wage working my ass off and this guy that I run with isn't. He has everything and I have nothing. That would be hard.

That's a huge barrier to me. – Parole Officer

But other officers perceived that people on parole were making excuses, and that most people on parole in fact are able to obtain good paying jobs, except possibly those in rural areas of the state.

A lot of them will complain about people not hiring them because of their criminal record. Again, in my experience over the years, everybody I have on supervision is working. They might not be working a job they necessarily like, but to me that's not a barrier because they all...like right now probably 99% of the people I have are working. The ones that aren't don't want to work or they're living in such a remote area that there is no place to work and they don't have transportation. – Parole Officer

A second theme revolved around drug use, including issues related to access to treatment and parolee behavior. A few noted that there is a lack of treatment or access to treatment for drug use. One officer described a situation where a person needed inpatient treatment but did not have the insurance to access such treatment because the person could not hold down a job that provided such insurance. Thus, access to treatment encompassed both issues of the availability of relevant treatment programs and the availability of insurance or other resources to pay for the treatment. With regard to parolee behavior, several parole officers noted that people on parole would return to the same neighborhood or setting and spend time with the same people they had used drugs with in the past. This resulted in people on parole falling into their old ways or patterns of behavior and continuing to use drugs.

Individual parole officers raised several additional areas they perceived to be barriers, but none were as prevalent among parole officers as a group as the two mentioned above. One officer described how the condition barring association with other people who have criminal records acts as a barrier to success. He noted that the restriction cuts people on parole off from their support network by disallowing contact with family or even other inmates with whom they have spent a significant period of their lives. The officer also noted that people who have experienced success on parole can be mentors to others, but the association restriction bars that from happening.

Two other barriers related to the perception of people on parole. A couple officers said that people on parole tended to put up barriers by not believing in themselves.

Sometimes they're their own worst enemy and how they feel about themselves really...they don't feel like they deserve to be out. They don't feel like they are a good human being sometimes. Sometimes they've got to do a lot of therapy and work through a lot of their own grief of what they wanted their life to be, and what it is, and their shame, and how they think their family sees them versus how their family really sees them. If they don't work through that, they may just keep going in and out. I think it's they have to work through what their barriers are and they sometimes have to figure them out. – Parole Officer

In contrast, another officer noted that people on parole fail to take accountability for their actions, and this can interfere with the change process needed for them to be successful.

I think people don't like to be accountable. Like the people that I've been dealing with for 20 years, those are still the people that they don't get it, that it's your fault. That you are the problem. It's not the world out to get you. I think once people have a little insight and realize like, "Yeah, it's my fault," that's when change occurs. But if you have somebody that it's just engrained in them to always blame others and to never own up to anything they do wrong, those people are pretty hard to help. – Parole Officer

When asked how they measure success for people on parole, members of the parole board overwhelmingly said they look to recidivism. Most defined recidivism solely as engaging in new criminal behavior, but at least one person noted that it includes violations of parole conditions that do not involve a new offense.

Success for me would be someone who gets out and now has a realization about how their actions impact other people, how they've impacted the victims, and to have an appreciation for that, and a victim view so that they wouldn't choose or they wouldn't reoffend and hurt other people in the future. – Parole Board Member

Parole board members noted that they learn about recidivism in two ways: data indicating recidivism rates for people on parole; and first-hand experience as they see people for whom they have previously granted parole cycle back through prison. Given this more anecdotal indicator, it is no wonder that for many, success was defined as not seeing the person again.

The easy answer is I don't see them again, but I don't know every name that I've ever voted on. I mean, there are names that stick in your mind because you've seen them numerous times. – Parole Board Member

For parole officers, success was measured in two different ways. For many, success was linked to recidivism as it had been for the parole board. Many said success meant the person did not have violations or that they did not see the person on parole again. But a second way that parole officers measured success was with regard to the amount of change a person on parole was able to achieve. Parole officers' views of change existed on a spectrum. On one end, parole officers seemed to be seeking transformational change. As one officer said it, the officer was looking for evidence that the person had "truly aton[ed] for their crimes and chang[ed] the behavior that got them in trouble." On the other end of the spectrum, officers measured success as "any successful discharge." The officers on this end of the spectrum seemed to have lower expectations born of experience.

I think when I started I thought my success is going to be changing people into being just like me. But I think with some people, it's just like if you could get them to complete probation without staying out of trouble, that's a success with some people. With others, it's...it just depends on the person. – Parole Officer

More common, however, were the officers in the middle of the spectrum who discussed measuring success in terms of incremental change. For example, one parole officer described an incident in which a person who committed a technical violation called in to admit to the transgression rather than trying to run away from it.

The first thing I'll tell them is, "I'm so appreciative of you calling me. Thank you for sharing that. I know it was really tough for you. I know that your instinct is to just take off." I said, "But this is how the change starts. This is how you start moving." – Parole Officer

The officers who measure success in terms of incremental change were not looking for perfection, but rather, movement along the continuum of change. For example, another officer talked about measuring success as seeing harm reduction to the self or others and desistance from victimization and violent offending. Other officers talked in practical terms such as "earning a living legally," achieving stable housing, or changing one's attitude.

You've got some people, all you can hope for is maybe they don't end up back in prison. Whereas others, it's like they've got some stuff going for them or some support, so you focus on maybe some of those other goals besides just staying out of trouble. – Parole Officer

Conclusions

This report draws upon interviews with multiple stakeholders to detail how parole conditions are set in Iowa and what role, if any, risk and needs assessments play in the condition-setting process. From this study, we make the following conclusions.

1

Parole conditions in Iowa are not tailored to the risk and needs of the individual. Parole conditions in Iowa take a one-size-fits all approach. As explained in this section, several factors converge to create a system where every person on parole receives a lengthy set of conditions within which less than a handful are tailored to the individual needs of the person.

- **There is a heavy reliance on standard conditions.** There is a perception within the state that there are very few standard conditions because they fall into just eight paragraphs. But when the text in each of the eight paragraphs is parsed into individual conditions, there are thirty-five distinct requirements. This extensive set of standard conditions sets what parole board members and parole officers refer to as “standards for behavior,” but the sheer number of conditions is more than any one person could reasonably comply with at one time.
- **The Parole Board only adds a few special conditions to each case, but it has lost sight of the total number of parole conditions imposed on individuals.** The Parole Board is parsimonious when adding special conditions to each case. Parole board members are concerned about overloading individuals on parole and typically only consider or discuss adding one or two special conditions as each person is paroled. However, because the Parole Board only focuses on setting special conditions, it has lost sight of the total number of standard conditions already imposed on those who are on parole. Several parole board members we spoke to did not know how many standard conditions there were, and some mistakenly thought that conditions they used to impose were no longer available to them when in fact they were already part of the standard conditions. By failing to take the standard conditions into account, the Parole Board undermines its own concern about not overloading people on parole.
- **Risk assessments are not used to inform condition setting.** Iowa utilizes risk and needs assessment throughout the criminal justice process. It informs programming for a person serving time in prison, and case planning for a person once they are released on parole. But risk and needs assessments are not really used in setting the conditions of work release or parole. Staff who prepare the docket for the Parole Board focus on the release decision rather than which conditions to impose, but when they do recommend conditions, they tend to use professional judgment based on past interactions with the person while in prison.

Parole board members have access to risk and needs information, but do not really understand it. Instead, they use their best judgment about what conditions to impose. In this way, conditions are not tailored to address the criminogenic needs of the individual.

- **The Parole Board lacks a feedback mechanism to understand what works in condition setting.** Finally, parole board members do not handle parole violations—violations are instead handled by an administrative law judge—so parole board members do not have any way of knowing whether the conditions they impose help or hinder people on parole. Because the Parole Board does not receive any feedback about which conditions work, there is nothing to challenge or inform their professional judgment about which conditions to impose in different situations.

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Though parole officers are empowered to remove conditions, they do not exercise this power. Instead, parole officers add conditions and selectively enforce the conditions they think aren't as relevant. Throughout this project, we heard that parole officers remove conditions that aren't necessary or applicable. However, when asked about this directly, most parole officers indicated that they do not remove conditions. Instead, most talked about adding local conditions such as curfew. Though some parole officers indicated that a few standard conditions are outdated or unnecessary, for the most part, they did not support changing the standard conditions, preferring instead to selectively enforce the conditions they deem most important. Thus, parole officers seek maximum flexibility regarding whether and how to enforce supervision conditions. From the perspective of the person on parole, who has no choice but to conform to all the listed conditions, this way of doing business can be confusing. More crucially, it dilutes the importance of conditions because it becomes unclear for them which conditions must be complied with.

Appendix A – Iowa Parole Conditions

The Iowa parole conditions start on the next page. The conditions are divided into eight topic areas. The standard conditions are in the main numbered paragraphs (i.e., 40) and special conditions are located beneath those numbered paragraphs (i.e., 40a). The eight areas that are considered standard conditions encompass thirty-five individual requirements. There are also sixteen special conditions available to the Parole Board. The community-based conditions located at the end of the document are presumably imposed by parole officers, though there appears to be no legal authority explaining how they relate to the standard and special conditions.

BOARD OF PAROLE CONDITIONS:**10: Restrictions on Movement**

I shall report immediately to the supervising officer in the Judicial District designated to my parole instructions. I will reside at the place designated in my parole instructions and shall not change residence unless I receive prior approval from the supervising Judicial District Director or Director's designee. I will obey any curfew restrictions placed upon me by supervising officer. I shall not leave the county of my residence unless I receive prior permission to travel from my supervising Judicial District Director or Director's designee.

10a. *I shall not be at (specific location information) unless approved by my supervising Judicial District Director or Director's designee.*

10b. *I will reside at the Residential Correctional Facility until discharged by the Residential Manager and/or my supervising Judicial District Director or Director's designee. I shall obey all of the rules and regulations of the Residential Correctional Facility.*

10c. *I will reside at (specific location information) until my supervising Judicial District Director or Director's designee approves another place of residence.*

20: Supervision Conduct

I shall maintain contact with my supervising officer as directed and shall not lie to, mislead, or misinform my supervising officer either by statement or omission of information. I shall use my true name in all dealings. I shall follow all conditions that can and may be placed on my parole by the Board of Parole and any additional conditions that can be added by my supervising officer at any time during my supervision.

20a. *I shall participate in intensive parole supervision program unless my supervising Judicial District Director or Director's designee determines otherwise.*

20b. *I shall not use the internet or other forms of electronic social media for anything other than job searches, unless approved by my supervising Judicial District Director or Director's designee.*

20c. *I understand that I will be on parole supervision until the actual date of the discharge of the sentence(s) for which I am on supervision and that I will not be discharged early from supervision unless this condition is, otherwise, amended by the Board of Parole.*

30: Restrictions on Association

I shall not associate with any person having a criminal record, currently under supervision or any person known or suspected to be engaged in criminal activity, unless approved by my supervising Judicial District Director or Director's designee. I shall treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse. I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s), unless contact or communication with any victim or the family of any victim is authorized by my supervising Judicial District Director or Director's designee.

30a. *I shall not associate with (name of person) unless approved by my supervising Judicial District Director or Director's designee.*

30b. *I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s).*

30c. *I shall have no contact with any minor child - direct or indirect. I shall not work, reside, establish contact with or join any group or organization that deals with minors.*

Highlighted = Conditions can be amended by CBC

Red text = Require Board approval

Green text = Condition can be added by the Board before release or by an ALJ only if already in the community, can be amended or removed by CBC

30d. *I shall have no contact with any minor child, direct or indirect, unless approved by my supervising Judicial District Director or Director's designee. I shall not work, reside, establish contact with or join any group or organization that deals with minors unless approved by my supervising Judicial District Director or Director's designee.*

30e. *I shall not initiate, establish or maintain contact with any person eighteen years of age or older who is unable to protect their own interests or unable to adequately perform or obtain services necessary to meet essential human needs, unless approved by my supervising Judicial District Director or Director's designee.*

30f. *I shall have no direct or indirect contact or communication with any victim or the family of any victim of my offense(s) with the exception of the following named individuals: (name of person)*

Note: *The victim's family includes spouse, child, mother, father, siblings, step-parents, step-children, step-siblings, and/or any legal guardian, aunts and uncles as well as their children (1st cousins to victim) and grandparents.*

40: Treatment, Rehabilitation & Other Programming

I shall participate and cooperate with any treatment, rehabilitation, or monitoring programs; including any electronic monitoring required by the supervising officer in the District I am being supervised in. I shall seek mental health services as appropriate. I shall submit a DNA sample if requested by my supervising officer or other law enforcement official. If needed, I shall continue to work toward attaining my GED or complete the requirements for a high school diploma. I shall schedule and keep all appointments necessary for the successful completion of programs and services in which I am participating and for the successful completion of my parole supervision. I shall sign any release or waiver requested by my parole officer to authorize my parole officer to receive and access any information relating to any treatment program or otherwise as requested by my parole officer.

40a. *I shall complete sex offender treatment program and sex offender aftercare treatment program unless my supervising Judicial District Director or Director's designee determines otherwise.*

40b. *I shall complete (number) hours of community service as ordered by my supervising Judicial District Director or Director's designee.*

50: Substance Abuse

I shall not use, purchase, or possess alcoholic beverages and shall submit to alcohol tests and drug tests when directed by my supervising officer. I shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. I will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. I shall not use, purchase, possess or transfer any drugs unless prescribed to me by a physician.

60: Legal Conduct

I shall obey all laws and ordinances. I shall notify a parole officer within 24 hours if I am arrested, receive a citation or if I have any contact with law enforcement. I shall not own, possess, use or transport firearms, dangerous weapons, or imitations thereof, unless approved by my supervising officer. I will submit my person, property, place of residence, vehicle, and personal effects to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any parole officer. I waive extradition to the State of Iowa from any jurisdiction in or outside the United States (including Indian Reservation or Indian Trust Land) and also agree that I will not contest any effort by any jurisdiction to return me to the State of Iowa.

70: Economic

I shall pay restitution, court costs, and attorney fees as directed by the court. I shall pay any fees associated with programs and services ordered by my supervising Judicial District Director or Director's designee during

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the course of my supervision. I will comply with all the terms of my restitution plan. I will pay to the supervising District Department of Correctional Services an enrollment fee to offset the cost of my supervision as provided in the Iowa Code. I will pay this fee upon such terms as my supervising officer directs. I understand that I may not be discharged from parole until all fees are paid. I shall secure and maintain employment as directed by my supervising officer. I shall notify my supervising officer within twenty-four (24) hours if my employment is terminated. I shall seek employment if I am unemployed and shall report my efforts to find employment as directed by my supervising officer.

70a. *I shall not apply for a checking account, credit card, student loan, or any other financial agreement without the approval of my supervising Judicial District Director or Director's designee. Nor will I work for any financial institution.*

80: Driving

I shall not operate a motor vehicle upon the public roads and highways unless I have a current, valid driver's license and insurance. If my driving privileges were suspended, revoked or barred, and now have been reinstated by the Department of Transportation, I must receive approval from my supervising Judicial District Director or Director's designee prior to getting my driver's license.

COMMUNITY BASED PAROLE CONDITIONS:

11. I shall not be at (location information) unless approved by my supervising Judicial District Director or Director's designee.
12. I will reside at (location information) until my supervising Judicial District Director or Director's designee approves another place of residence.
13. I shall be at my residence between (start/end time).
22. I shall not use the internet or other forms of electronic social media for anything other than job searches, unless approved by my supervising Judicial District Director or Director's Designee.
23. I am required to follow the instructions of my signed Work Release Day Reporting agreement. If I incur violations they will fall under the parole revocation process. I understand violations could result in a Report of Violation being filed with the Iowa Board of Parole. This may result in my being held in jail/prison pending the outcome of a Revocation Hearing held by the Administrative Law Judge.
31. I shall not associate with (name of person) unless approved by my supervising District Director or Director's Designee.
32. I shall have no contact with any minor child, direct or indirect. I shall not work, reside, establish contact with or join any group or organization that deals with minors unless approved by my supervising Judicial District Director or Director's Designee.
33. I shall not initiate, establish or maintain contact with any person eighteen years of age or older who is unable to protect their own interests or unable to adequately perform or obtain services necessary to meet essential human needs, unless approved by my supervising Judicial District Director or Director's designee.
41. I shall successfully complete (type) treatment program unless my supervising Judicial District Director, Director's designee determines otherwise.

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42. I shall complete (number) hours of community service as ordered by my supervising Judicial District Director or Director's designee.

71. I shall not apply for a checking account, credit card, student loan, or any other financial agreement without the approval of my supervising Judicial District Director or Director's designee. Nor will I work for any financial institution

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