



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF CORRECTIONS
JOHN BALDWIN, DIRECTOR

April 25, 2013

Sheriff Chad Leonard
201 N. Nile Kinnick Dr.
Adel, Iowa 50003-0187

Re: Petition for waiver/variance of Chapter 201-50.6 of the Iowa Administrative Code

Dear Sheriff Leonard;

The Iowa Department of Corrections has received your request for a waiver/variance of Chapter 201-50.6 of the Iowa Administrative Code that would allow additional beds over the number of beds allowed by square footage requirements. The variance will be valid for a period of five years, expiring on March 22, 2018. Dallas County shall develop a long term plan of action to address the jail needs.

Chapter 201-50.6(1) of the Iowa Administrative reads as follows:

IAC 201—50.6(356,356A) Physical requirements for new and remodeled facilities—after to jails which are of new construction and to all major remodeling after June 30, 1984. For jails which are of new construction and for all major remodeling after September 12, 2001, rule 50.7(356,356A) shall apply. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.6(1) New housing units may be single occupancy cells, multiple occupancy cells or dormitory units. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 70 square feet of floor space for the first prisoner and an additional 50 square feet of floor space for each additional prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

In reviewing your request, the Department of Corrections determined that this particular rule has been in existence since an update of the administrative rules in April 18, 1984. In addition, your request for the waiver/variance was discussed with the Jails Committee for the Iowa State Sheriff's and Deputies Association. The Jails Committee concurs with your request.

Delbert Longley, Chief Jail Inspector with the Department of Corrections, has advised me of conversations with you on the above issue.

Upon completion of our review, the Department of Corrections has decided to approve a waiver/variance of rule, IAC 201-50.6. The major consideration in making this determination is

The mission of the Iowa Department of Corrections is:

To advance successful offender reentry to protect the public, staff and offenders from victimization.

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the need to allow Dallas County an opportunity to determine the jail needs of the county and to move forward with securing funding for a facility that will meet the needs of Dallas County without causing an undue financial burden to Dallas County. Therefore, the Department finds, based on clear and convincing evidence, all the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of the law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

If you have any questions, or if we can be of assistance, please feel free to contact this office.

Sincerely,


John Baldwin
Director

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DALLAS COUNTY SHERIFF

Cc: Dallas County Jail File