STATE OF IOWA
Office of Ombudsman

ANNUAL REPORT

2014

This annual report about the exercise of the Office of Ombudsman functions during the 2014 calendar year is submitted to the Iowa General Assembly and the Governor pursuant to Iowa Code section 2C.18.

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Ombudsman's Message

Ruth H. Cooperrider
Iowa Ombudsman

In my 2013 Annual Report message, I described an "ombudsman" as a government official who investigates and resolves, when appropriate, complaints from citizens about administrative actions of other government agencies or officials. Although investigating complaints from individuals is our office's primary function, I also have authority to initiate an investigation or take other actions to help improve an agency's procedures and practices to prevent problems.

Some of these activities include participating in an agency's work group studying an issue, sharing topical information or conducting educational presentations to agency personnel, and submitting proposals for changes in the law or commenting on an agency's legislative proposal.

These other functions are integral to our office's work to bring about systemic improvements that are needed for Iowa government agencies to better serve citizens and be accountable to them.

Case Work

During 2014, my staff and I continued to maintain the same level of service for handling complaints, even though the Deputy Ombudsman's position remained vacant and the departure of one Assistant Ombudsman left the position unfilled for several months.

During 2014, we opened 4,135 cases, an increase from 4,010 in 2013. Of the total cases:

- 2,782 were complaints about state or local government agencies within our jurisdiction.
- 431 were requests for information about government agencies within our jurisdiction.
- 889 were complaints or information requests about matters outside of our authority.
- 33 were treated as special projects for other activities related to the work of the office.

Of the 2,782 jurisdictional complaints:

- 1,304 (47%) were or are being investigated. 1,478 were declined for investigation; even so, we typically refer the complainant to an appropriate remedy or provide an explanation or information so the complainant understands the reason for declining the issue.
- To date, 169 complaints have been substantiated or partially substantiated and 828 were not substantiated. [Note: some cases opened in 2014 are still being investigated.]
- In 215 cases, we made either informal suggestions or formal recommendations to the agencies to remedy or correct a problem or take action to improve a policy or procedure.

Published Investigative Report

Our office typically communicates our investigative findings and any formal recommendations by letter directly to the agency and complainant. Occasionally, I may decide to publish a report if the issue or topic is one of significance or broad public interest. In December we completed a report to the Iowa Department of Corrections, criticizing the department's handling of an inmate disciplinary proceeding. The report, including the department officials' responses and my additional comment, was later published in February 2015. Although it was not released in 2014, we have included a story about the report so it is timelier for readers (see page 3).

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Accountable and Open Government

The term "accountable government" was in the news quite a bit in 2014. After it was revealed that some state agencies were approving settlements with aggrieved employees that were to be kept confidential, Governor Terry Branstad issued an Executive Order in March to end the use of these confidentiality agreements. The Senate Government Oversight Committee met over the summer about state government accountability and came up with a list of possible legislative proposals. Then in October, Governor Branstad announced his plan to create a Government Accountability Portal to be managed by the Iowa Public Information Board, which would serve as a "one-stop shop" to field requests and respond to citizens seeking information about state government.

I believe that the work of an ombudsman is integral to government accountability. Our office plays an important role in ensuring accountability and open government when we investigate problems, seek answers, and recommend improvements to how government functions. In doing so, we promote integrity and enhance the quality of services provided by governmental agencies.

In order for us to do this work, we have been given broad authority to obtain any relevant information from any agency we are investigating, including information confidential by law. Unfortunately, some agencies have sometimes challenged that authority, resulting in delays or obstacles to completing our investigations, and forcing our office to spend time to find a solution through clarifying legislation or through a court action to gain access to the information. This is the situation our office has been confronting for more than two years regarding our access to the minutes and audio recordings of closed meetings held by state licensing boards. The Iowa Attorney General has taken the position our office must obtain a court order, just like a member of the public. I continue to believe our statute gives us access, without the need for a court order. A legislative proposal to clarify our right of access did not pass in 2013 and 2014. Another bill for our access will be considered in the 2015 legislative session; if it does not pass, I will likely pursue litigation to resolve this issue, which is fundamental to our authority.

The Ombudsman's Authority

Iowa law gives the Ombudsman the authority to investigate the administrative actions of most local and state government agencies when those actions might be:

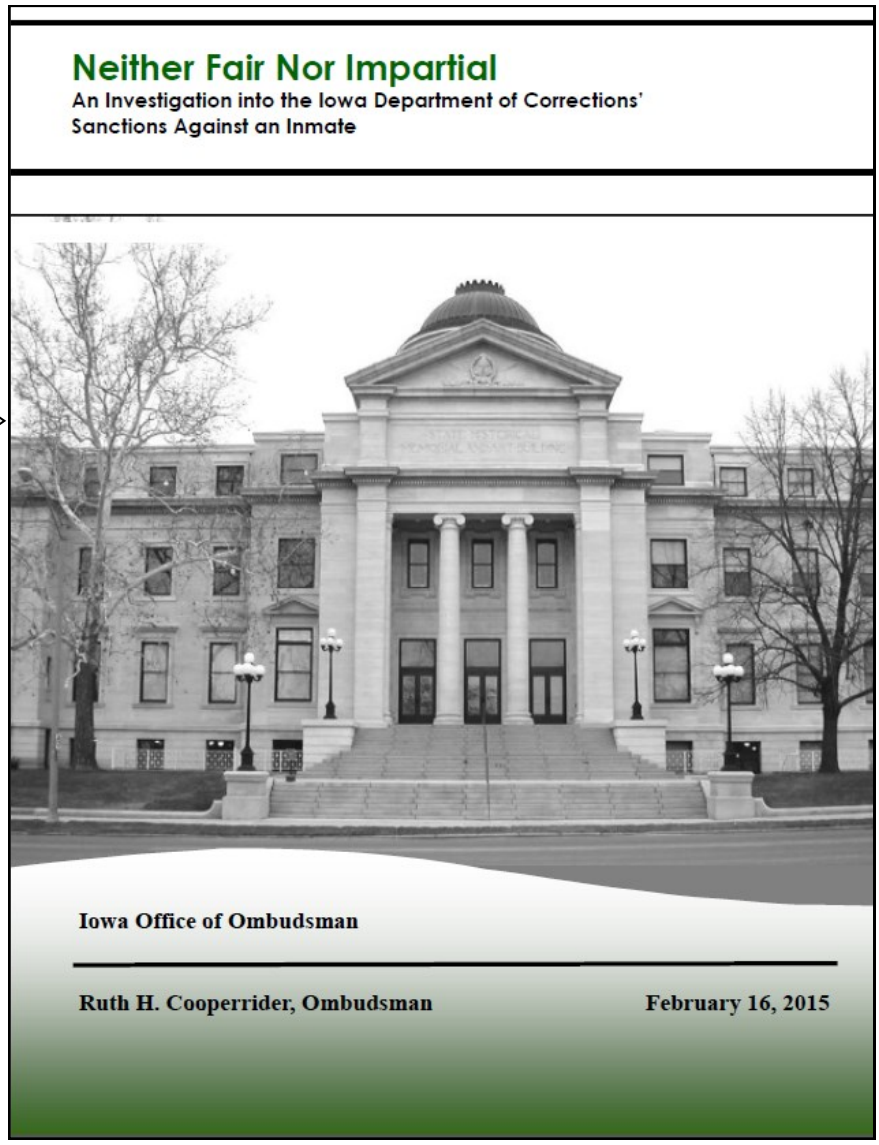
- Contrary to law or regulation.
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
- Based on a mistake of law or arbitrary in ascertainments of fact.
- Based on improper motivation or irrelevant consideration.
- Unaccompanied by an adequate statement of reasons.

By law, the Ombudsman cannot investigate the Iowa courts, legislators and their staffs, the Governor and his staff, or multi-state agencies. The Ombudsman also cannot investigate complaints from agency employees about employment-related matters.

Neither Fair Nor Impartial: An Investigation into the Iowa Department of Corrections' Sanctions Against an Inmate

The Iowa Department of Corrections' (DOC) encouragement of an "open-door policy" between its prison staff and administrative law judges (ALJ) differs from other state agencies and violates inmates' due-process rights in disciplinary hearings, we concluded in a public report released in February 2015.

That was one of several key findings of our report following our investigation of an inmate's disciplinary case at the Fort Dodge Correctional Facility (FDCF). The report, entitled "Neither Fair Nor Impartial," also expressed concerns with DOC's practice of allowing the ALJ to determine the level of a rule violation at the end of the inmate disciplinary process, rather than notifying the inmate of it before the hearing.



Read the full report:
Neither Fair Nor Impartial

Under state and federal law, prison inmates who face an extension of their prison sentences through disciplinary proceedings are entitled to an impartial decision-maker and advance notice of the specific allegations against them. We concluded that both of those legal requirements were violated in the case of former FDCF inmate Randy Linderman.

DOC declined to accept any of the Ombudsman's nine recommendations to rectify Linderman's complaint and to repair or clarify its disciplinary policies and practices.

Ombudsman Ruth Cooperrider said she was disappointed with DOC's response, which offered little explanation for its decision.

"I believe we laid our cogent reasons and legal principles from court cases in support of our conclusions," Cooperrider said. "It concerns me that DOC is not willing to take any of the steps I recommended to ensure fair and impartial disciplinary proceedings and compliance with its policies."

Eight Steps for Resolving Your Own Complaints

"What steps have you taken to resolve the problem?" That is often one of the first questions we ask people who contact us with a complaint.

Under law, one of the scenarios in which the Ombudsman is not required to investigate is when people have available "another remedy or channel of complaint which [they] could reasonably be expected to use." [Iowa Code section 2C.12(1)] And it is not just the law, it is also simple common sense. Disputes and grievances can be resolved with simple, honest communication. Certainly not all the time, but enough that it is almost always worth trying *before* filing a complaint with our office.

Here are some basic, important guidelines to follow when you are trying to resolve any "consumer" problem, whether it involves a government agency or not.

1. Be pleasant, persistent, and patient. The wheels of government usually move, but not always quickly. We have found the citizens who are best able to get problems resolved have three core traits in common: they treat everyone with respect and courtesy; they don't give up easily; and they realize that most problems are not resolved overnight.

2. Exercise your appeal rights. Does the problem involve a decision or action that has a formal appeal process? If you are not sure, ask the agency. The right to appeal usually has a deadline. Respond well before the deadline and consider sending your appeal by certified mail. If you cannot write before the deadline, call to see if you can get an extension or if you can appeal by telephone.

3. Choose the right communication mode. If you are not filing a formal appeal, decide whether you want to contact the agency in person, over the phone, or through a letter or e-mail. Go with the mode you are most comfortable with, unless the problem is urgent, in which case you will probably want to rule out a letter or e-mail.

4. Strategize. Before making contact, consider who your likely audience will be. Will it be someone who can actually fix the problem to your satisfaction? If not, your initial goal might be along the lines of patiently explaining your concern, listening to the response, and then politely asking to speak with a supervisor—perhaps even more than once!

5. Plan your questions. Write down your questions before calling or visiting the agency. Be sure to specifically ask which law, rule, or policy authorized the agency's actions. Then ask for a copy of the law, rule, or policy (so you can read it for yourself, to see whether you agree).

6. Be prepared. Be sure to have any relevant information available before contacting the agency. If you are wanting face-to-face contact, we recommend you call first. A short phone call could save headaches and wasted time, such as finding that the person you need to talk to is sick that day.

7. Keep records. Take good notes of all conversations. This should include the person's name and title, the time and date, and what they told you. Keep all records received from the agency, even envelopes. Also keep copies of any letters, faxes, or e-mails you send to the agency.

8. Read what is sent to you. Carefully read everything from the agency, front and back including the fine print! If all that fails, contact us. Our office has authority to investigate complaints about most agencies of state and local government in Iowa. Major exceptions include the courts, the legislature, and the Governor. We do not have authority to investigate any federal agency.

Top Ten Government Web Sites

We have put together a list of ten web sites that will quickly put you in touch with almost any facet of state and local government in Iowa. This is certainly not an exhaustive list, but one that should help you get started in finding whatever you might be looking for.

1. Official State of Iowa website—www.iowa.gov
2. State agencies—http://phonebook.iowa.gov/agency.aspx
3. Legislative—www.legis.iowa.gov
4. Judicial—www.iowacourts.gov
5. Cities—www.iowaleague.org
6. Counties—www.iowacounties.org
7. Public school districts and Area Education Agencies—www.ia-sb.org
8. Iowa law—www.legis.iowa.gov/IowaLaw/statutoryLaw.aspx
9. Iowa Public Information Board—www.ipib.iowa.gov/
10. Office of Ombudsman—www.legis.iowa.gov/Ombudsman

Mental Health Placement Issues Continue

By: Linda Brundies, Assistant Ombudsman

I had difficulty mustering enthusiasm to write my column this year due to frustration. In our 2013 Annual Report, I wrote about the difficulty of placing certain mental health patients who were labeled difficult or assaultive. Now the Governor and the Department of Human Services are planning to close two of Iowa's mental health institutes. Are we, as a state, making the default decision that these difficult or assaultive individuals belong in jail or prison? That is where they are ending up.

In 2013, our office was contacted by court-appointed mental health advocates, jail staff, and family members because mentally ill adults were jailed rather than placed in a treatment facility. In each case, the presenting problem was that no treatment provider would take the individual because they were currently assaultive or had been in the past. During 2014, in addition to contacts about adults, we received more calls to our office about similar placement issues involving juveniles. The calls concerning the juveniles were generally from parents or guardians complaining that appropriate placements were unavailable for assaultive or difficult children. In one case, the proposed resolution was to send the child home, potentially putting family members in danger.

Are we, as a state, making the default decision that these difficult or assaultive individuals belong in jail or prison? That is where they are ending up.

In August of 2013, our office was one of several agencies asked to review the Iowa Juvenile Home and the Department of Human Services' policies concerning the use of physical restraints and isolation rooms. I reviewed statutes, agency regulations, and policies. I toured the Iowa Juvenile Home twice, and attended all the meetings of the Governor's task force formed to study the issue.

On December 6, 2013, the Governor decided to close the Iowa Juvenile Home. We discontinued our investigation because the closure made the issues moot. We opened a new inquiry regarding the placement of the youths who were transferred from the home. We received complaints that the youths were transferred to unsafe or inappropriate placements. The Ombudsman wrote a letter to each of the transferred youths. I followed up with each youth to make certain our letter was received. I took the opportunity to ask each youth whether she felt safe, and I asked about their treatment. Some of the girls reported being unhappy that they had to relocate, and some felt like they had to start their program over. None of the youths contacted our office to report feeling unsafe at their current placements. The closure of the Iowa Juvenile Home may explain the increase in complaints to our office about placements for juveniles.

We continue to believe Iowa needs a treatment facility with trained security and treatment staff who are capable of handling and treating difficult, assaultive, or aggressive individuals suffering from mental illness. This need applies to both juveniles and adults.

Our office continues to be contacted by court-appointed mental health advocates, jail staff, and family members because mentally ill individuals are jailed rather than placed in a treatment facility when no bed could be found. In each case, the problem was that no treatment provider would take the individual because he or she was currently assaultive or had been in the past.

Last year the General Assembly considered a bill (House File 2122) to deal with housing of elderly persons who are sexually aggressive or combative or who have unmet psychiatric needs. The bill directed the Department of Inspections and Appeals and the Department of

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Human Services to establish a committee to study the issue and report its findings and recommendations to the Governor and the General Assembly by December 15, 2014. The bill did not pass. A similar bill is being considered during the 2015 legislative session.

Even if the bill passes, I question the need for another study. Iowa needs a facility to care for patients who need mental health treatment and are labeled aggressive or assaultive or are otherwise difficult. As I stated in last year's column, most of the persons we have been contacted about are not elderly, nor are they sex offenders. Some have pending criminal charges for assaults on staff at treatment facilities. Some have been discharged from mental health institutes for assaulting staff and no other facility will take them. Whether or not criminal assault charges are filed, the individual can end up in jail due to the lack of placement options. Many jails, especially those in rural areas, do not have staff trained to handle mentally ill inmates. Legislation passed last year requires jail staff to obtain mental health training, but that training may not be sufficient to equip staff to deal with a severely mentally ill individual who engages in self-harm or who is harmful to others. In jail, such patients are usually held in solitary confinement and often do not receive mental health treatment, other than medication.

Also as I stated in my 2013 column, the four state-run mental health institutes were initially considered the "placement of last resort" for severely mentally ill patients. Over the years it seems the mission of the mental health institutes has changed, and they now provide short term psychiatric treatment for acute patients, similar to other psychiatric hospitals throughout the state. For a historical overview of the mental health institutes, see: http://publications.iowa.gov/8496/1/HF811_Closure_Proposal_Briefing%5B1%5D.pdf.

The proposal to close two of the facilities, without planning for community capacity, will likely cause additional placement issues, but especially for those labeled assaultive or aggressive.

The issue of needing a facility to handle assaultive or aggressive mentally ill individuals who are or have been involved in the criminal justice system has been addressed by a workgroup. A bill (Senate File 525) was passed in 2011 requiring the Department of Human Services to convene an Adult Mental Health Workgroup and to report its findings by December 9, 2011. The workgroup's report discussed the issue of inpatient care and the role of the mental health institutes:

> The Workgroup agreed that there is a need for additional forensic inpatient capacity within the Mental Health Institutes and that as the need for long-term, civil commitment inpatient beds decreases as the community system strengthens, some beds can be re-purposed for individuals with mental illness and forensic circumstances. The Workgroup decided that the current construct of a forensic psychiatric hospital being located within the prison system should be transitioned to one that is located within the control of the mental health system.

The treatment and housing of the severely mentally ill individuals, adults, and juveniles who are assaultive or aggressive is not a simple issue to resolve, but Iowa needs a specialized forensic facility with trained staff and resources capable of evaluating and treating this subset of mentally ill patients. There must also be inpatient beds available for all mentally ill patients needing that level of care. If the planned closing of two of the mental health institutes proceeds, it is important that these placement issues be considered and solutions be part of the plan.

Addressing a Child Support Dilemma: Paying Support for a Child Now in Your Care

By: Barbara Van Allen, Assistant Ombudsman

Iowa's Child Support Recovery Unit (CSRU) has had a suspension process for ten years to help parents stop current child support ordered by the court when both the parents have reconciled or one or more of the children live with the parent ordered to pay support. Current law allows the CSRU to suspend support payment, upon *mutual consent* of both parents.

Once other criteria have been met, both parents can agree in writing to end the current support order. After the required documents are submitted to and accepted by the CSRU, it will submit a request and order to the court for approval. The current child support obligation is temporarily ended as of the date the suspension order is filed with the court. The support is then permanently ended six months later unless a request is made to the court to reinstate it. If the support order is reinstated, support which became due during the six-month period is suspended. However, a parent who owed support which had accrued previously must still have to pay off that arrearage.

While this suspension process is a good administrative tool to make quick and necessary child support adjustments, it does not work for all parents. The procedure may not work for a parent who is a victim of domestic abuse with a no-contact order, a parent who no longer knows the whereabouts of the other parent, or parents who cannot cooperatively work with each other on matters concerning their children.

Our office has dealt with a number of complaints where a parent who is ordered to pay child support ends up physically caring for the child for some reason, but still is obligated to keep paying support for that child. We recognize the need for an additional low-cost and fast administrative remedy to help parents who are ordered to pay child support, but are still obligated to keep paying support for that child when the family has not reconciled. That is why we have advocated for several years to create an additional suspension process upon *request of one of the parent* (mutual consent not required).

We were pleased when the CSRU informed us it would propose legislation in 2015 for that purpose. Under the proposed legislation, if the child is now residing with the parent ordered to pay support, that parent can request the CSRU to suspend payment of support. If all criteria are met, CSRU will provide notice to the other parent. If the other parent does not file a notarized written objection, CSRU will prepare a suspension order for the court and proceed to finalize the action. Similar to the existing suspension process, the support is permanently ended six months later unless someone asks the CSRU to reinstate it. Likewise, if it is reinstated, support which became due during the six-month period the order is suspended; however, a parent owing support that had accrued previously must still pay off that arrearage.

Under the proposed legislation, if the child is now residing with the parent ordered to pay support, that parent can request the CSRU to suspend payment of support.

The proposed legislation also includes a suspension process that could be used when a child is living with a caretaker who is not a parent and the caretaker does not want the parents to be required to pay them child support. An example of this is a child living with a grandparent as the caretaker. The parents and the caretaker could submit a request to suspend the support obligation for further review by the CSRU.

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[As of the publication date of this report, the proposed legislation (HF 542) has passed out of the Human Resources Committee and is awaiting further action in the House of Representatives.]

Some parents may still need to seek court action to change or end support orders established by the court in divorce or custody proceedings. Some cases may not qualify because they do not meet the suspension criteria, such as when the child has not been living with the parent ordered to pay child support for at least 60 consecutive days and/or the living arrangement will not continue for at least six months or more. By law, the CSRU cannot suspend a child support order if the child for who support is ordered to be paid is receiving public assistance.

What We Do:

We investigate complaints against agencies or officials of state and local governments in Iowa.

We work with agencies to attempt to rectify problems when our investigation finds that a mistake, arbitrary, or illegal action has taken place.

We have unique statutory responsibility to investigate and determine if an action was fair or reasonable, even if in accordance with law.

We have access to state and local governments' facilities and confidential records to ensure complete review of facts regarding a complaint.

We make recommendations to the General Assembly for legislation, when appropriate.

Human Services

Too Much Work and Not Enough Time

Increased workloads resulted in a number of complaints in 2014 from recipients of public assistance. One week before Christmas, we received a call from a man who sounded desperate. He had applied for food assistance (sometimes referred to as "food stamps") in October but said he still had not received a decision. He left several messages for his caseworker but said she had not called him back.

We immediately relayed his concerns to the agency. The caseworker called the man the next week. The following day—one day before Christmas—his application was approved for the amount of $194 per month.

In another case, a mother was referred to our office by her pediatrician because she was having difficulty confirming her children had medical coverage. Over several months she had received different explanations from the agency as to why her children's medical coverage had not yet been renewed.

First she was told she did not return the recertification paperwork; she said she never received the paperwork. Another time, she was told her boyfriend did not turn in proof of his income. She finally sent in a new application to try to resolve the problem. She was told her application would be sent to hawk-I and it would be processed within 40 days.

She called the agency 40 days later and was told her new application had just been sent to the hawk-I program. The agency apologized for the delay. The agency admitted to us that due to a high volume of cases, it had taken about 80 days to review and approve the woman's application. One of her children was approved on November 3 for hawk-I coverage with an effective date of September 1. The other four children were approved for coverage under Medicaid retroactive to June 1.

We received other complaints that people who called the agency were not given an option to leave a message or talk to a person due to a high volume of calls. Our repeated attempts over a number of weeks confirmed it was impossible for individuals to check on the status of their medical coverage or food stamps through the phone number provided by the agency.

After bringing this problem to the agency's attention several times, officials finally agreed to tackle the problem. When we checked a week later, a real person answered the phone on the first ring after the automated message options were complete.

Child Support Complaint Leads to Discovery of $10,000 Error

Imagine receiving a notice that you owe about $33,000 in unpaid child support even though the children lived with you for most of their childhood. That was a real-life situation for a man who contacted our office last year.

The man, who lives in another state, did not understand why he owed about $33,000 in unpaid child support. In response, we asked the child support agency to review the account. Through this process, the agency discovered a significant error had been made in calculating the support due and owed. The agency credited him for the support payments no longer due and reduced his balance by about $10,000.

We also encouraged him to pursue a Satisfaction of Child Support Judgment for the outstanding balance. This remedy could potentially credit him for about $21,000 in support payments that had accrued while the children were living with him. If successful, it would leave him with a balance of about $1,980, which he owed to the state for public benefits the children received in Iowa when they were not living with him.

Ombudsman Eliminates Long Waits

A handicapped man fed up with the state's medical transportation service filed a complaint with us after he said he twice experienced unreasonable wait times.

The man required two trips to the emergency room and described in detail how long it took workers to return him home, just a few miles away. The first trip resulted in a four-hour wait; three days later, he had to endure an eight-hour delay. The complainant said it is common for patients to return home by taxi, but because he uses a wheelchair and cannot easily get out of it, he usually requires more specialized transportation.

We brought the man's understandable frustrations to the attention of a state agency that contracts with a private service for low-income patients' transportation needs. The agency found the troubles arose because it lacked an established late-night provider of wheelchair transports. Soon after we raised the issue, the agency located and hired a business capable of driving wheelchair-bound patients after hours.

The Ombudsman investigates complaints against agencies or officials of state and local governments in Iowa. We perform this service, without a fee, in an independent and, when appropriate, confidential manner.

Agency Reviews and Corrects Amount of Child Support Owed

Many years ago, an inmate was ordered to pay child support while her kids lived with her mother. The woman contacted our office because she believed the amount of child support she was being billed was incorrect. She also thought her child support order should have ended once she was released from prison and resumed living with her children. The woman said she was originally told she owed $3,000 in back child support, but a year later, she was told she owed $18,000.

State officials could find no record confirming that the woman was told she owed $3,000; indeed, she was told she owed $18,000. However, staff reviewed their information and determined the $18,000 figure was incorrect. She actually owed $1,800 less. Agency officials credited the woman's account for that amount.

The agency noted that current support was no longer being collected because the children were over 18. However, the woman still owed money for past unpaid child support. The woman's mother asked the agency to stop collecting child support in 2001 while the children were in her care, but the request was denied. Child support orders can only be ended by order of a court or the state's child-support collection agency.

Agency staff volunteered to explain to the woman that her mother could waive her right to collect on past child-support owed to her. Although that action would not affect any amount still owed to the state, it would greatly reduce the woman's overall child-support debt.

Corrections Corner

By: Eleena Mitchell-Sadler, Assistant Ombudsman

Be sure you put your feet in the right place, then stand firm. – Abraham Lincoln

An ombudsman has a unique task in that she is not an advocate, but may wear the hat when investigation, analysis, and conclusion call for the role to change. An ombudsman is a disinterested party; she has nothing personal to gain by putting her neck on the line in the interest of facilitating what is just, fair, and right. There is no payment exchanged; no gifts involved. So why do it? Why subject yourself to angry outbursts from complainants when you do not agree a problem exists or to snide comments and intransigent attitudes from an agency when you ask some tough questions or offer up suggestions to them? At the risk of sounding cliché, it's the right thing to do.

When it comes to issues concerning inmates, communications with an agency can sometimes be a delicate situation. We have no authority to force an agency to do anything, but we hope through conversation the agency will see the reason and logic in suggestions we may make. There are times, however, when our powers of persuasion are not enough, and that is when the Ombudsman may choose to make public her critiques of an agency's actions.

When it comes to publishing reports, the Ombudsman is particularly selective when it involves inmate matters. That is not to say inmates do not bring legitimate, serious, or systemic problems to us; quite the contrary. But with our limited resources, we must focus our efforts on getting the most "bang for the buck," so to speak. We assess what issues would be the most beneficial to a larger number of inmates and what issues are the most egregious. We are not quick to jump on the soapbox; our process is deliberate.

We assess what issues would be the most beneficial to a larger number of inmates and what issues are the most egregious. We are not quick to jump on the soapbox; our process is deliberate.

A Critical Report

In 2014, our office completed work on an extensive investigation concerning the disciplinary sanctions given to an inmate. The report was not released until February 2015, to allow Department of Corrections' (DOC) officials an opportunity to reply to the report and for the Ombudsman to comment on the replies. The report came after years of delay, perpetrated by the DOC's refusal to allow our office to interview an administrative law judge (ALJ) under oath. The Ombudsman went to court and received a favorable ruling from the Iowa Supreme Court allowing us to take sworn testimony from that ALJ. The investigation led to the discovery of a number of systemic problems to which the Ombudsman sought remedy and clarification. While the DOC declined to accept any of the Ombudsman's nine recommendations relating to these concerns, we hope positive changes will come from this report. (See story about report on page 3.)

A Recommendation – Inmate Telephone Rates

Across the nation, telephone rates for inmates have been at an extremely high cost to them and their families. The costs are even more outrageous because we know many inmates earn only pennies per hour and often come from low-income families. This past year, however, the

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Federal Communications Commission (FCC) began bucking the current system of prisons and jails taking kickbacks and commissions on inmate telephone calls. The FCC ruling to reduce interstate rates for the inmate calling system (ICS) was based on the broader policy considerations that inmates who have pro-social support and more meaningful contact with family and friends are less likely to return to prison, which reduces the burden on the corrections system and reduces other societal costs.

Our office became interested in inmate telephone rates after receiving a complaint about the DOC's implementation of the FCC ruling. The FCC ruling was significant because it not only required interstate calling service rates to be at or below 21 cents per minute, it also tried to mandate using a cost-based system for establishing rates, a safe harbor rate of 12 cents per minute; no extra charges for TTY and relay services for those with disabilities; and some reporting requirements to gauge whether additional action might be necessary. Some provisions of the FCC ruling are being litigated.

The DOC's proposal to comply with the FCC ruling seemed to be a good idea because it substantially reduced the cost of a 20-minute interstate call from $9 to $4.20, and reduced the cost of intrastate calls on average approximately $2.45 per call. But, it more than doubled the cost of a local call from $2 per call to $4.20 per call.

In July, the Ombudsman spoke to the Iowa Board of Corrections (Board) about the proposed rates. She noted that the FCC ruling sought to bring ICS rates to levels that are "just, reasonable, and fair." She pointed out that the FCC report/order about the rule changes was particularly critical of telephone rates charged to offenders above and beyond the cost of providing the service. The FCC report was also critical of salaries and benefits paid for by telephone fees. The Ombudsman recommended that the Board and the DOC ensure ICS rates and any other fees they impose or pass on to Iowa inmates for telephone calls are also just, reasonable, and fair. In doing so, she urged them to consider the framework created by the FCC, including the implementation of a cost-based system.

At this time, we intend to monitor follow-up actions to the FCC ruling and determine whether or not DOC expenditures comply with Iowa law and its original intent. Ultimately, we believe the outcome of the court case about the FCC ruling will determine where this policy discussion will go. Our office will continue to research and monitor the issue.

For additional information about offender telephones rates, see:
http://www.fcc.gov/document/fcc-continues-push-rein-high-cost-inmate-calling
http://www.fcc.gov/guides/inmate-telephone-service
http://blogs.wsj.com/law/2014/11/20/fcc-lays-groundwork-for-more-curbs-on-prison-call-rates/.

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After receiving a complaint about a prison or jail, we review the relevant information and decide whether staff:

- **Followed the law and institution policy.**
- **Acted reasonably and fairly.**

If we conclude a complaint is substantiated, we look for ways that staff can:

- **Fix the problem.**
- **Reduce the chance it will happen again.**

Corrections-Related Complaints

Corrections-related complaints are those involving state prisons, county jails, community-based corrections such as work release facilities, and probation and parole issues. Corrections-related complaints have consistently made up about one-third of the cases our office takes in annually, and 2014 was no different. Our overall office cases for 2014 weighed in at 4,102; of those, 1,346 were corrections-related. This number includes information requests, as well as declined and investigated complaints.

Of the 1,239 corrections-related cases coded as complaints, 464 were declined. This was likely because the complainant had not utilized the available grievance or appeal process before contacting our office. We partially substantiated or substantiated 13 percent of corrections-related complaints in 2014, three percent more than in 2013.

Our office categorizes the various issues inmates and offenders file complaints about. Complaints relating to health services typically are among the highest. Prison health complaints made up 14 percent of the overall issues complained about; jail health complaints were at 25 percent of all complaints. Overall jail complaints increased 23 percent in the past year.

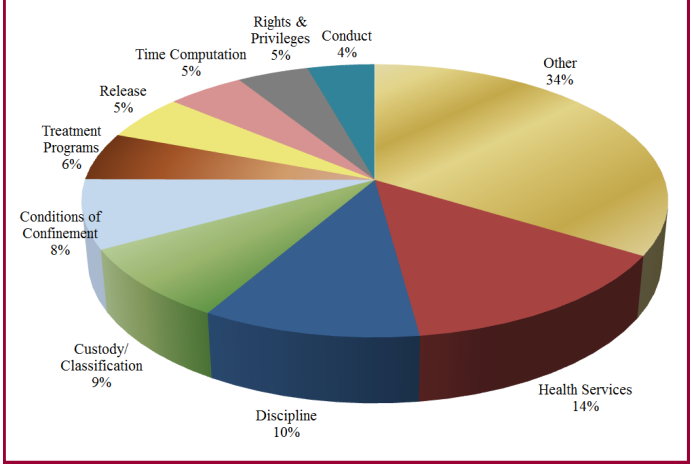
There was a notable decline in complaints about prison visitation in 2014. Complaints in this area are generally low, but even still, we dropped from 45 complaints about visitation in 2013 to just 24 in 2014. We do not know for certain what caused this decline, but we are aware prison officials had revised some visitation policies and appeal processes in the last year or two. Prison use of force complaints almost tripled in 2014, but still only accounted for two percent of the total issues brought to our attention.

Outreach

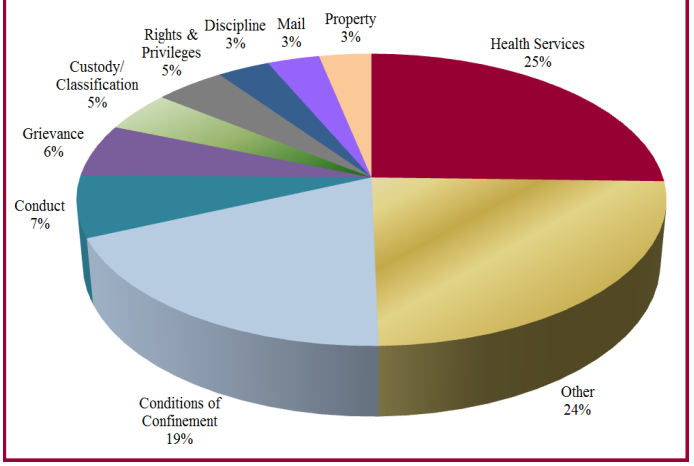
I once again enjoyed being a part of training sessions for newly hired prison and jail staff. I made several presentations throughout the year. I also traveled to seven facilities and visited with staff and inmates regarding complaints our office had received.

Late in the year, I was asked by an inmate at the Iowa State Penitentiary to speak to a recently formed chapter of the American Humanist Association. While I speak regularly with inmates, this will be my first time making a presentation to a group of inmates. I am looking forward to this experience, and I am glad to be able to directly share information about our office with this group.

Prison Complaint Issues



Jail Complaint Issues



Corrections

Misguided Practice Results in Additional Jail Time

A judicial district's practice to withhold parole violation reports resulted in more jail time for one offender.

The parolee, who was in jail facing a parole violation and new charges, believed he was being illegally held past his discharge date. The offender thought he should be released, because he had posted bond on his new charge and his discharge date had passed on his parole offense.

As we began to look into the situation, we came across an Iowa administrative rule which mandates the district department to submit a written report to the Board of Parole within ten calendar days of receipt of knowledge of the commission of certain violations. Absconding was one of those violations, and that was the parole violation alleged against this offender. The judicial district had not submitted this report, which would have triggered a parole revocation hearing.

When we asked the judicial district why they had not filed the required report, they said parole officers can file the violation report whenever they see fit. We directed their attention to the aforementioned administrative rule, and asked them to review it and let us know their thoughts.

After the judicial district consulted with the Attorney General's office, they agreed our office was "absolutely correct"—once the violation incident was filed due to the offender absconding, a report of violation should have been submitted to the Board of Parole. The supervisor went on to say "I appreciate that you pointed it out to me and I plan to have a discussion with all of my officers to assure we are following the code and filing Report of Violations timely."

A hearing was held and the man was released from jail. We were pleased with the judicial district's responsiveness and its willingness to resolve the matter expeditiously.

When "I do" is Preempted by "No You Won't"

A mother called to complain that the local jail would not allow her daughter to marry an inmate. We immediately contacted the jail as we knew from previous research that being incarcerated does not negate the constitutional right to marriage.

Jail staff told us that the couple had not asked to get married, but even if they had, the sheriff would not allow it. We informed the jail that their position was not consistent with long-established case law on the subject. We then provided jail officials with legal resources and sample marriage policies for their review. In response to our input, jail officials agreed to create a policy allowing inmates to get married.

Four months later, when touring a different jail, our investigator asked officials if they had a marriage policy. We were told that no one had asked to get married recently, but the sheriff had not allowed it in the past. After we explained that marriage is a constitutional right, the jail administrator accepted our offer to provide her with legal resources and sample policies. On follow-up, we learned the second jail had created a marriage policy and it had been approved by the sheriff.

Out of Sight, Out of Mind

A woman complained that her brother had been in investigative segregation for more than nine weeks before he was transferred to a maximum security prison. She feared for his safety if he was released to general population at the maximum security prison. At our request, she had her brother contact us to verify that he wanted our office to investigate his complaint.

In response to our inquiry about the extended period of segregation, officials at the first prison admitted that the inmate had "fallen off their radar screen." They promptly reviewed the status of their investigation and said there was not enough information to issue a disciplinary report. Officials at the second prison, however, said they could not release the man to general population due to safety concerns, so he would have to remain in segregation until he could be transferred to a different prison.

We told prison officials that we hoped his transfer could be expedited. But one month later, his sister said he was still at the second prison, in segregation, awaiting a transfer. We immediately called the prison he was at and the prison he was supposed to be transferred to. Both said they had no problems with the transfer. We then called the office that arranges for transfers, and we explained that this man remained in segregation pending a transfer through no fault of his own.

As luck would have it, there was a transport van en route to the prison when we made the call. The man was transferred later that same day. We later received a thank you letter from the inmate.

Broken Record Response

A prison offender filed a grievance, alleging an officer "snapped" at him. The man's grievance suggested the officer should take a class on how to speak with offenders. Based on that information, we thought the allegation and requested remedy were fairly clear, although of course the grievance would need to be investigated.

The prison's grievance officer, however, did not see it that way. He rejected the grievance, ruling that the offender was attempting to use the grievance process to complain about a disciplinary matter.

Under the grievance process, offenders can file complaints about a wide variety of issues, with one notable exception: the grievance process is not to be used for any matter that has its own formal appeal process. This includes complaints about disciplinary matters or about classification issues.

The offender in this case had received a minor report for being outside of his assigned area. In his grievance, he alleged the officer yelled at him repeatedly and treated him in a "demeaning way." His grievance was rejected, so the man contacted our office.

After reviewing his complaint and the grievance documents, we contacted the warden and expressed concern about the grievance officer's decision. We noted a captain had written on the grievance form that he had advised the offender to grieve the matter if he felt he was spoken to in an inappropriate manner. We wanted to make sure the grievance officer understood that allegations about staff conduct can be grieved separately from the disciplinary process.

The warden agreed that offenders can grieve the behavior or actions of staff members. But the warden said after reading this grievance, it was not clear to him whether this offender was grieving the report or the behavior. He said the officer who rejected this grievance had retired so he could not clarify the situation, but the new grievance officer understood the above-noted nuances.

Warden Cleans up Subordinate's Inadequate Response

Most of our investigations arise from complaints brought to us by citizens. But our office can also "self initiate" an investigation. We typically reserve this for significant matters that come to our attention.

Last year we received an incident report about a forced cell move involving a prison offender who is acutely mentally ill. In reviewing the report, our investigator became concerned because it indicated staff did not give the man a chance to "cuff up" voluntarily before they used pepper spray on him.

Our investigator contacted the deputy warden to get the prison's side of the story. From the available information, we knew the offender had been banging his head on a wall and picking at scabs on his body so significantly that he was able to write on the wall in his own blood. We wanted to know why pepper spray was used and if the deputy warden felt its use was appropriate.

The deputy warden noted that while the man's bleeding was not life threatening, it was enough to write with blood. He said the offender did not comply with directives to stop banging his head and was actually injuring himself. In the interest of everyone's safety, the deputy warden said the officers needed to act quickly.

The deputy warden said using the pepper spray allowed officers to open the cell door safely. We were told officers followed the required protocol for using pepper spray. The deputy warden added that the incident occurred on the midnight shift, where the prison had minimal staffing. The deputy warden also said prison officials had already been discussing the need for further training on the use of pepper spray on the mental health units.

We told the warden and the deputy warden that what stood out to us was the incident report said the officer told the offender "numerous times" to "stop banging his head and writing in blood on the wall," but the same report gave no indication that he asked or directed the offender to cuff up or pepper spray would be used. Because the offender was injuring himself, we did not believe the use of force was unnecessary. We wondered, however, if the officer could have taken an additional step or two before he started using pepper spray—based on the premise that attempting to gain voluntary compliance before using force is a best practice.

In response, the deputy warden pointed back to his previous e-mail, which noted a need for additional training and that this incident occurred on the midnight shift on a mental health unit where they lacked officer experience. We were disappointed by the deputy warden's response. Fortunately, however, the warden recognized the lack of depth in that response and added, "I want to make it clear to you that we agree the use of OC (pepper spray), although allowed by policy, was unnecessary." The warden acknowledged the officer had other options available to him, and they had concerns that nursing staff was not called to the scene sooner.

The warden said those issues were being addressed with the officers involved. The warden went on to say they planned to use this incident and a separate incident to train all staff working on the mental health units as well as response team members. He said they would clarify the appropriate and necessary use of pepper spray, and he had discussed it with the supervisors and everyone was on the same page.

We thanked the warden for his informative response. We said we were satisfied with the acknowledgment of the deficiency, that officers were being counseled, and training was being discussed.

Offenders as Victims: Identity Theft

Offenders do not typically monitor their credit activity, making them easy prey for identity thieves.

Being saddled with false debt and bad credit can threaten anyone's financial future. But the impact can be even harder on an ex-con trying to transition back into society. To protect their financial future, prison offenders should monitor their credit reports, according to an online publication by the Federal Reserve Bank of St. Louis: https://www.stlouisfed.org/publications/bridges/winter-20102011/the-old-the-young-and-the-incarcerated-latest-id-theft-victims.

Our office was contacted last year by a prison offender who had been a victim of identity theft and tax fraud. He first learned about it three years earlier, when he was at a different prison. Soon thereafter, he was advised to start monitoring his credit activity.

In order to get a free copy of his annual credit report from the private credit companies, he had to provide them with certain required information. Included was a notarized letter, on the prison's letterhead and signed by a prison official, validating the man's identity. The first prison provided the man with this information and he was able to get his credit report. The following year, he went through the same process and again got his annual credit report.

He was later transferred to a different state prison. Officials at the second prison denied his request for a notarized letter, on the prison's letterhead and signed by a prison official, validating the man's identity. Instead, they provided an alternate way of validating his identity. Because he was unable to send the required information, the credit company denied his request for his annual credit report.

He filed a grievance, but it was denied based on the grievance officer's interpretation of a prison policy. The man exhausted the appeals process, but his appeals were denied. He then wrote a letter to a United States Senator, who forwarded the man's complaint to our office.

We reviewed the prison policy and found that it does not restrict the offender from getting what he asked for. We shared our findings with an official in the prison agency's main office. A few weeks later, officials in the main office directed prison officials to give the man the document that he needed to obtain his annual credit report.

Paperwork Snafu Keeps Woman in Jail

Two weeks after she made a plea agreement in a misdemeanor drug case, a woman wrote our office at a loss to explain why she was still in jail. She said that she had agreed to a suspended one-year sentence, but jailers told her the sentence was not suspended.

On the day we received the complaint, we reviewed online court records that appeared to verify the woman's story: she was given a suspended sentence. We called the jail and asked for a review of the woman's court paperwork. A jailer explained that the woman's sentencing order did not say her sentence had been suspended. The jailer agreed to ask the judge to clarify her ruling.

The next day, the judge acknowledged an error in the paperwork and issued a new clarified order that suspended her jail sentence. The woman was released shortly thereafter.

Prison Security Interests Vs. Offenders' Access to the Courts

A prison offender who was representing himself in a court case contacted our office because he was denied access to legal materials. He was suing the Department of Corrections (DOC). The attorney representing DOC had filed a motion to dismiss the offender's lawsuit. The motion referenced several court decisions.

The offender asked the state law library to send him those court decisions so he could prepare a response to DOC's motion. The state law library mailed the court decisions to the prison, where mailroom staff screen all incoming mail for security reasons. The mailroom gave the man some of the court decisions, but would not give him the others because they involved another offender.

Because the man was on a short deadline to respond to DOC's motion to dismiss, we intervened and asked prison officials to immediately correct this unreasonable denial of access to legal materials. We noted the offender could not properly represent his legal interests without access to the court decisions referenced in DOC's motion. Upon further consideration, prison officials gave him the remaining court decisions he had requested.

We later received a similar complaint from a second offender who was not allowed to have a court decision the state law library had mailed to him. In response to our suggestion, the second offender discussed the matter with the contract attorney at the prison and eventually received the court decision he had requested from the library.

We did some more checking and found Iowa's prisons have inconsistent practices regarding offenders' access to court decisions involving other offenders. It appears that prisons have the authority to deny an offender from receiving court cases involving other offenders, but only if prison officials can articulate a legitimate safety or security issue. This is because prison officials' duty to maintain security can sometimes be at odds with an offender's right to access the courts and public records. Our office is still looking into this issue.

You Want a Shot *Where*?

An inmate who received regular injections in the soles of his feet for a painful condition wrote our office after he was transferred to a different prison and was denied the treatments. The inmate described the pain as "unbearable." We confirmed his diagnosis and found that his condition typically did produce severe pain, especially while walking or wearing shoes.

We asked prison officials why the inmate's treatment was inconsistent between prisons. The prisons' medical director reviewed the records and discovered that a nurse practitioner at the second prison was reluctant to administer the injections because she was inexperienced giving injections to the bottom of the foot.

The director found a different practitioner who was comfortable giving the procedure, and the inmate's treatments were resumed.

Jail Credit Snafu Leads to Man Serving 13 Extra Days

Not many people can truthfully say that writing to the Ombudsman got them out of prison. But that is exactly what happened for one man in 2014.

According to his letter, his scheduled discharge date was two months away. When he was arrested for the offense three years prior, he had spent 61 days in the county jail. "I have never gotten a credit for those 61 days," he wrote.

We contacted the jail administrator, and he confirmed the man served 61 days there in 2011. We forwarded this information to a prison official who calculates discharge dates, and we asked her to look into the matter. The man was released from prison the next week, 12 days after we received his letter. With the credit of 61 days, his official discharge date ended up being the day before we received his letter.

There was no indication the man had told prison officials about this issue. We advised him that he should have done so. "For future reference, if you ever find yourself in a similar situation again, I **strongly** encourage you to pursue the matter much, much earlier in the process," we wrote.

Our Services are Available to:

- **All residents of the State of Iowa, including those confined in state institutions.**
- **Persons from other states and countries who may have complaints against agencies of Iowa government**.

Deep Pockets

An inmate found that his money was missing after he was transferred from a county jail to state prison. He told us that he had $80 in his account when he left jail, but the money never showed on his books following his transfer.

Inmates are generally not well-off and spend the money they receive on toiletries, reading materials, extra clothing, and snacks.

We conducted several interviews with both jail and prison employees to fully understand how inmates' personal property changes hands during the transfer and intake processes.

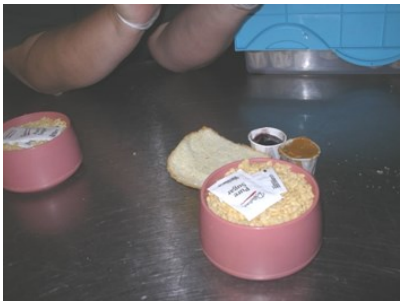
A prison official initially declined to do anything for the inmate, on the argument that the inmate waited too long to file a complaint. We nonetheless proceeded with our investigation and asked for video footage of the inmate during intake.

We reviewed the footage and examined relevant documentation. We found evidence that a correctional officer had engaged in suspicious activity during and immediately after the inmate was booked.

We brought our concerns to prison investigators and asked for an internal investigation. Their investigators reviewed the evidence and agreed with our conclusions. The warden, however, did not unilaterally agree. He said that "it was at least highly probable that the $80 became missing" at his facility.

The warden reversed the prison's initial stance and agreed to reimburse the inmate for the missing money.

Don't Skimp on Those Servings



A slew of letters came to our office last summer from inmates at a county jail in southeast Iowa, all claiming they were receiving too little food. The inmates tried to raise the issue with jail officials, but were simply told that the menus had been reviewed and certified by a dietician, as state law requires.

With the knowledge that state law also mandates documentation of food in jails, we took our review further and made several rounds of inquiry with jail officials. We examined a host of inmate grievances and responses, as well as copies of jail menus.

When we compared the official menus with what offenders said they had for a meal, things just did not add up.

First, we discovered that although the jail used a seven-day menu, the menu that had been certified by a dietician was a four-week menu. Second, we found kitchen staff had been substituting items on the menu without properly documenting the substitutions, as required. On several occasions, we found the substituted items were not equal in nutritional value to the original items on the menu. In some cases, coleslaw and potato salad were being replaced by gelatin dessert.

We asked a jail administrator to take photos of the meals being served, and we both agreed that the quantities did not always match those called for in the certified menu. In two such examples, where the menu called for one cup of rice, it appeared inmates received only ½ cup; two slices of bread sometimes ended up as one slice.

The improper changes in food service had gone unnoticed, in part, because meals at the jail are procured and prepared by a private contractor. We found jail officials had not been keeping close tabs on the contractor's decision-making. That changed quickly through the cooperation of the jail administrator, who directed his staff to monitor meal servings and keep him informed of problems.

At our urging, the administrator ordered the contractor to stop some of its common substitutions and to ensure that inmates received full servings. They also sought and received a new certification on their seven-day menu.

Several inmates reported back to us that the improvements were obvious and thanked us for our work.

Jail Takes Money from Inmate Prematurely

Iowa law allows county jails to recover costs from inmates whom they house, feed, and give medical attention to—but only if those inmates are eventually convicted of the crimes they are accused of committing.

We heard from the wife of an inmate in a northeast Iowa jail who said her husband's account was being tapped to pay for the man's medical care. At the time we received the call, the man was still awaiting trial. Inmates often establish accounts with money from family that can be used to buy extra food and toiletries.

We requested records from the jail and confirmed that $37 in deductions had been taken from the inmate's account to pay for pain medication and antibiotics that were prescribed to him. We shared the language of the state law to jail officials, who agreed to refund the money eight days later.

Prison Inmate Believes Colonoscopy Needed

A prison inmate with a family history of colon cancer contacted our office because he felt he needed a colonoscopy. Doctors generally suggest colonoscopies for all patients who are over age 50 with a family history. The inmate was 61 years old, but had never had a colonoscopy.

At the time of his call, the inmate reported that his sister was receiving treatment for Stage IV colon cancer. In addition, his aunt had died previously of colon cancer. We contacted the state prisons' medical director to relay the inmate's concerns. Soon thereafter, the inmate was referred for a consultation with a gastroenterologist, an expert on the digestive system.

The gastroenterologist recommended a colonoscopy, which prison officials granted. Fortunately, the inmate did not have colon cancer, but doctors did find a polyp, which was removed. The doctor recommended a follow-up colonoscopy in five years.

Visiting Privileges go "Up in Smoke"

Smuggling tobacco into Iowa prisons is a problem. Tobacco is considered contraband; trafficking or usage is considered a disciplinary matter. In an effort to deter this problem, prison officials began taking visitation privileges away from offenders found to be involved with tobacco smuggling.

Our office was contacted by an inmate after his visiting privileges with family and friends were terminated for one year for an incident involving tobacco. The loss of visiting privileges was an administrative action outside of the disciplinary process, and therefore, the inmate had no means to appeal the sanction.

We investigated and found that Iowa's prisons have varying practices for reviewing tobacco violations and issuing sanctions. Some prisons used the classification committee to review the severity of violations and implement sanctions for tobacco-related misconduct. Classification decisions can be appealed.

In this case, the inmate had no means to challenge the termination of his visiting privileges. We pointed this out to prison officials. In response, officials changed their process to require a classification committee meeting to suspend an offender's visiting privileges for tobacco-related offenses.

In a related case, another prison implemented a rule which held that anyone found guilty of using tobacco would be seen by the classification committee for a 60-day visiting restriction. An offender complained to our office that he was given a visiting restriction even though the new rule was posted *after* he was found guilty of a tobacco violation.

He argued this was unfair. We agreed and so did prison officials when we contacted them. The prison reinstated visiting privileges for any offender who received a tobacco-related disciplinary report before the notice was posted.

The ombudsman system is based upon the principle that every person has a right to have his or her grievances against the government heard, and if justified, satisfied. The Office of Ombudsman provides Iowans a nonpartisan independent agency where action can be taken to resolve their complaints.

Other Agencies

Are Tractors on the Highway OK?

A farmer who was driving his tractor to a repair shop objected after he was pulled over by police and threatened with a $200 ticket for traveling too slow on a four-lane highway. The officer said the highway was a limited-access road, but the farmer insisted there were no signs to indicate that. Even though the man was not ticketed, he was offended by the experience and asked us to look into the matter.

We reviewed state law, which verified that "any kind of vehicle … incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate system." We then asked state highway officials whether the stretch of road where the farmer was traveling was adequately marked.

Officials conceded that new signage was called for. They erected several signs on an entrance ramp that warned drivers of farm implements of the minimum speed limit.

Debt Collection Program gets a Due-Process Makeover

The Offset Program allows government agencies in Iowa to collect outstanding debts. Several years ago, our office began receiving complaints about various cities that were using the Offset Program to collect on old debts. Some people disputed the amount owed, while others said they had not been previously informed of the debt. In some cases, the debt was so old the city could not successfully sue for nonpayment. For example, some of the complaints involved ambulance bills that were more than 20 years old, and the city had never attempted to collect the debt by other means.

We found some cities did a good job of informing debtors about their due process rights before the offset actually occurred. However, this was not true for all cities using the Offset Program.

While Iowa law clearly required state government agencies to give written notice, conduct administrative hearings, and allow appeals, we found it did not clearly require cities to do likewise. Despite resistance from some agencies, our office worked to get new legislation passed requiring all government agencies in Iowa that use the Offset Program to give debtors an opportunity to contest the offset action.

Our recommendations also resulted in changes to the Offset Program's administrative rules. Under these changes, which took effect in February 2015, the rules now define which debts are legally enforceable and specify the duty of all government agencies to provide certain information to the debtor, including appeal rights.

Catch-22 Fixed: 95-Year-Old Gets Photo ID

"I hate to drag this little old lady all over just to be turned down all the time." That was the sentiment of a woman who was trying to help her elderly aunt get a state-issued identification card.

Her aunt, 95, could not get access to her safety deposit box because she did not have a driver's license. Her niece made arrangements to get the documents she thought were needed to get an ID card. She then drove her aunt, who gets around with a walker, to a state driver's license station.

They presented an application and the documents to a clerk. The clerk said they had everything they needed with one exception: the elderly woman's marriage certificate was from the church, but they required the certificate be government issued.

They learned that to get a copy of her aunt's marriage license, they needed to go to the vital records office and show a photo ID—the same ID they were trying to obtain.

We relayed their "Catch-22" to the state licensing office. In response, an assistant manager called the woman and explained that her aunt's application should not have been denied. "Had the issuance staff talked to their supervisor, we could have made an exception and issued her an identification card with the documents she provided," the assistant manager told us.

The woman's aunt got her ID card the next week, but only after they made a second trip to the driver's license station and stood in line again. "I want to thank you for the help you gave us," the woman told us. "We have secured that picture ID."

Licensing Board Operates in Near-Total Secrecy

A woman from central Iowa wanted to know why a complaint she had filed with a state licensing board was closed without action. The woman claimed that a veterinarian had mistreated her cat, which died. She provided several concrete examples of alleged mistreatment and ethical lapses to the licensing board, but was simply told in response the care her cat had received did not depart from a normal standard of care. A letter from the licensing board told the woman that state law prevented the sharing of any details on its review of her complaint.

We asked the board for its case file so we could better understand the basis of its decision. In response, the board provided us with all of the cat's relevant medical records—but little on the board's consideration of those records or the cat's owner's complaint. None of the board's discussion and decision on the case was recorded in a publicly available document.

Noting that our office has the legal authority to review confidential government records, we asked for access to an audio recording and minutes of a board meeting on the complaint that was purportedly held in closed session. The board, relying on legal advice from state attorneys, refused. The board's attorneys argued the records must remain "sealed" unless a judge orders them opened, despite our statutory authority and a formal opinion from the Iowa Attorney General suggesting otherwise.

We interviewed two board members on the decision, but they either could not recall details of the case or declined to fully explain their actions. In short, the board argues that it should be allowed to carry out at least some of its official duties in near-total secrecy.

We are now considering asking a court to rule on our authority to view the licensing board's closed-session records. A state lawmaker has also proposed a bill that would give us explicit access to all closed-session records of state and local government agencies. (See page 2 of Ombudsman's Message for more on this topic.)

Unreasonable Expectation of Privacy

Many times our investigations clear government officials of wrongdoing, even when the initial allegations against them seem egregious.

A landowner in eastern Iowa was adamant that state gaming officers had overstepped their bounds and abused their authority when they came onto his land to see whether hunting regulations were being followed. He insisted the officers had no probable cause to enter his property or his barn. He further accused the officers of questioning and berating a 12-year-old boy without the consent of his parents. He asked that the officers be charged with criminal harassment and several hunting violations be voided.

We initially asked the man, who had let friends hunt on his land but was not present during the incident, to file a complaint with the officers' superiors. When he received a response that we deemed insufficient, we decided to investigate.

We reviewed the officers' reports, talked to the lead hunter of the group, and interviewed another hunter that could attest to the officers' conduct. We also did an extensive review of laws dealing with the government's authority to enter and search private property.

The evidence showed that an officer was driving along a county road when he spotted someone wearing blaze orange, a color the state law requires hunters to wear. Iowa law allows gaming officers to stop anyone "believed to be hunting" to check their license and show their game, regardless of age. The officer asked the boy how the hunt was going and was invited into the barn, where illegally tagged deer were hanging. The barn had no doors or windows, nor did it have a fence around it to prevent people from looking or venturing inside.

The officer left the property and came back with other officers to help investigate. When they returned, the officers asked the boy to call the lead hunter and let him know police were there. The officer subsequently noted several other hunting violations and wrote citations.

Although state and federal law does grant minors the right to have a parent present during questioning if they are under arrest, we did not find that the boy in the case was under arrest. We concluded the officer asked a fairly innocuous question during the course of a routine patrol and had not overstepped his bounds.

We also concluded that neither the hunters, nor the landowner, had any reasonable expectation of privacy since the land and barn were open and the officer was invited into the barn.

We questioned two adult hunters to determine whether the officers' conduct was inappropriate in any way, or whether the citations he wrote were overly harsh. Neither hunter had any qualms with the officers' conduct. One of the hunters, who was the boy's grandfather, admitted ignorance of the hunting laws and expressed remorse. None of the hunters cited challenged their citations in court.

Although we believed the agency's consideration of the landowner's complaint could have been better, we could not find that its officers had acted illegally or unreasonably.

It is understandable that people may experience difficulty in addressing complaints and questions to the proper offices or officials. The Office of Ombudsman was established for the purpose of providing Iowans with one office to which they may take their grievances.

Wait, How Much Do I Owe?

The owner of a coffee house that closed in 2013 said she was continuing to be billed by the state for past delinquent unemployment payments and penalties with no explanation of the charges. The owner said she had made good on the debts years earlier, but discovered that the payments were applied to current rather than past payments, which increased her outstanding penalties and interest. The woman said she was directed to a specific supervisor who had failed to return numerous messages to resolve the problem.

We asked the agency for an itemized calculation of the woman's account, which was produced within a matter of days. Records showed that the woman still owed nearly $400. Upon closer scrutiny, we found that much of the outstanding balance included penalties and interest.

After discussing the situation with an agency manager, most of the woman's penalties and all of the interest were forgiven. The adjustments brought her bill down to about $200. The manager also apologized for the agency's slow response time, and she coached agency employees on the importance of timely responses.

Nursing Home Investigation Less Than Thorough

The son of a man in a south-central Iowa nursing home was dissatisfied with a response he received from regulators after his father was said to have been left lying on a floor for 17 hours. The man's son said he believed his father developed a life-threatening condition from the fall and injured his arm almost beyond repair. State regulators who investigated the man's complaint said they found no evidence of negligence by nursing home staff and attributed his condition to clothing that was too tight.

We reviewed regulators' files on the case and found they reached their conclusions without any review of the man's medical records. Medical records were not reviewed because no one had asked the family to sign releases to obtain the information. Despite the incomplete information, the investigator in the case had drawn conclusions about the resident's medical state—conclusions that we did not think were supportable. We also found no indication that the investigator had consulted with any doctors during his investigation.

We expressed our concerns about the investigation to agency directors. They agreed with our findings and said they would reopen the case.

Fees Paid, but Collection Letters Continue

A couple from eastern Iowa who believed they were paid up on their past tax debts asked for our help when they continued to receive letters stating they still owed money.

The couple explained they had paid the debt at their county treasurer's office, but state officials who were collecting the bill said they had no such record of payment.

We requested a copy of the couple's receipt and provided a copy to state officials. Within a day, a supervisor discovered a data-entry error had failed to record the payment. The supervisor sent the couple a letter of apology for the annoyance the letters caused.

Local Government

City Council Ignores State's Gender-Balance Law

Citizens in a northwest Iowa town asked us whether their city council had followed the law when it voted to reappoint a longstanding member of its utility board. The citizens said city officials had discussed the requirements of a state gender-balance law but nonetheless proceeded to maintain the status quo on the all-male board.

The Iowa Legislature passed a law in 2009 mandating that "all appointive boards … of a political subdivision of the state established by the Code … shall be gender balanced." The law allows such boards to remain unbalanced only if a city "has made a good faith effort to appoint a qualified person to fill a vacancy … for a period of three months but has been unable to make a compliant appointment."

After we made some basic inquiries with the city, it was apparent that the council had not only perpetuated the male makeup of the commission, but had also ignored the mayor's nomination of a woman. The mayor had tried to recruit women for the post and had received the names and qualifications of two female candidates, one of whom he nominated for the job. The council expressed no specific concerns with the mayor's nominee, but simply voted to reappoint the male incumbent.

After we analyzed the state law and city ordinances, we expressed our concern that the council's actions had defied both sets of laws and suggested the man's reappointment be declared void. The city attorney responded that the incumbent male was more qualified than the female nominee and should be allowed to stay on. We pointed out the gender-balance law does not allow officials to defy its mandates on the view that the incumbent is more qualified. In addition, no one had argued that the female nominee was unqualified for the post. The city attorney refused to pass our suggestions on, alleging that the complaint to our office was politically motivated noting elections were right around the corner.

In our view, our complainants' motivations were irrelevant if the law was indeed being broken. We proceeded to convey our suggestions more formally in two letters to individual council members. The city attorney subsequently accused our office of being "political" and called our suggestions "negligent." He also argued that the gender-balance law was unconstitutional, although it had never been challenged in Iowa's courts. The council never discussed the substance of our suggestions or revisited the vote, even after some residents, council members, and the mayor openly questioned the council's reappointment.

The Iowa Commission on the Status of Women, which helped draft the gender-balance law and lobbied for its passage, supported our findings. Commission members noted, though, that the law contains no penalties for violating its provisions. The Commission said it would work with volunteers to monitor compliance with the law statewide.

After careful investigation, research, and analysis, the Ombudsman makes recommendations to resolve complaints that are found justified. Additionally, the Ombudsman may provide information and answer questions relating to government.

Resist Temptation—Watch What You Say

Social media is a great way to debate issues and make your feelings known, but it also can come with a downside for government officials.

A man from southwest Iowa called us to express his anger that a sheriff's deputy who had impounded a car he was driving later belittled the man by posting about it on Facebook. The car belonged to a friend and was his friend's only means of transportation. We took a closer look at the Facebook post and discovered the deputy was reacting to our complainant's comments.

Shortly after the traffic stop, the man wrote: "Cops have too much authority." He complained online that his friend could not afford to register the car, much less pay the fines. He later added profanity to his post and called all police names.

In response, the deputy reposted our complainant's comments on his own Facebook page and wrote: "Heaven forbid I do my job and tow a non-registered vehicle." Although our complainant had not named the deputy in his original post, the deputy did identify our complainant when he reposted the man's comments.

While we understood the deputy's desire to react to unfair and inflammatory criticism, we believe that his post was unnecessary and could be seen as unprofessional. At our request, the sheriff ordered the deputy to remove his post from his Facebook page. The sheriff also directed the deputy not to make such postings in the future.

But I Paid on Time!

The caller had not paid a fine for failing to have motor vehicle liability insurance, so her case was referred to a state agency for collection. Her driver's license would be suspended if she did not pay her fine by October 27.

She said she paid the bill in cash in two installments at the agency's office. Even though she made the second payment before the deadline, her driver's license was still suspended.

The agency told our office that their records showed she made her second payment four days after the deadline. The caller insisted she had paid in cash and on time, but she did not have a receipt to prove it.

After further discussions, the agency agreed to look for a receipt for her second payment. Agency officials found confirmation the woman had in fact made her second cash payment 12 days before the deadline.

So if that was the case, why was her license suspended for nonpayment? The agency explained that five days after she had made her second payment, the funds were processed and a distribution check was created for the agency's remittance process. Unfortunately, other payments were given higher processing priority, and the caller's payment was not loaded into the agency's system until four days after the deadline.

As a result of this complaint, the agency now processes cash payments twice a week in an attempt to avoid similar problems in the future. We also contacted state licensing officials and provided documentation that the complainant had paid on time. Officials agreed to rescind the suspension of her driver's licenses and refunded the $30 she had paid to get her license reinstated.

Insurance Contractor Neglects Confidentiality

A mental health advocate contacted our office with concerns that two county administrators had openly discussed her client's confidential medical information without permission. The information shared by the county officials was outdated, and once shared, prevented the client from receiving a placement at a more appropriate facility.

The reported breach happened during a conference call arranged by an insurance contactor for the state. The purpose of the meeting was to discuss the placement of approximately 25 mentally ill residents whose care facility was closing.

We were told that the call was unstructured, and participants had clicked in and out without identifying themselves or their role in the placements. The insurance contractor conducting the conference call made no apparent effort to find out who was on the call or their reason for being involved.

We interviewed everyone who took part in the conversation. Both county administrators agreed they should not have participated in the call because they did not have a release of information from the client in question. In response to our questions, they acknowledged they had not safeguarded the client's rights and might have violated federal confidentiality laws. One administrator called the mental health advocate and client to apologize.

The insurance contractor told us the conference call lasted about three hours, which allowed only six or seven minutes to discuss each resident's situation. Although representatives of each resident were given a specific time to call in and connect, a firm agenda was not maintained. The contractor conceded that he did not always know who was present on the call.

We discussed the need for a more structured process that would ensure confidentiality in the future. We also stressed to the contractor that he should have ensured that everyone on the call had appropriate releases, and were involved only in those calls affecting them or their clients. He agreed with our observations and suggestions.

All parties involved agreed that the call could have been handled with more sensitivity. We encouraged the mental health advocate and her client to consider filing an additional complaint with federal overseers.

Dead Tree Finally Removed

A man said he had written letters for over three years to city officials, asking them to remove a dead tree in the right–of-way of his property. He felt the tree presented "a severe public safety hazard" because its dead limbs hung over a sidewalk.

Our office inquired with city officials and received conflicting answers. We were told the tree was on the list of trees to be removed. But we were also told that there was no such list and the city did not have authority to remove the tree.

Coincidentally, city officials had the tree removed during our investigation. We learned that a new city tree board was reviewing the process for removing dead trees. It appeared corrective measures were being developed to ensure situations like this do not happen in the future.

A Christmas Miracle?

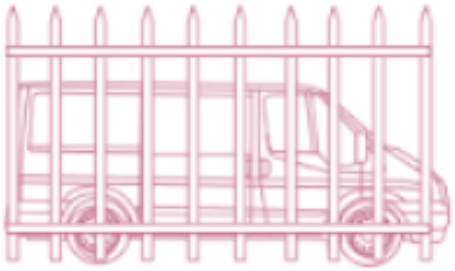
A municipal water customer paid his overdue water bill the day before the office was set to close for a long break beginning on Christmas Eve. He said a customer-service representative assured him that his water would be turned on later that night. The next morning, the customer awoke to find that his water still was not turned on. The water department was not scheduled to reopen for five more days.

The customer called us on Christmas Eve to see if there was anything we could do to have the water restored.

We called an emergency line used to report water main breaks and reached one of the few employees working that day. The employee looked up the customer's account and discovered that, although a work order was submitted, it was never printed off for work crews. The employee agreed to complete the paperwork and dispatch workers to the customer's home.

The resident later confirmed the water was restored on the same day he contacted our office.

Police Justified in Impounding Van, But …



A man from eastern Iowa alleged that local police neglected to give him proper legal notice before his van was deemed a public nuisance and impounded. The man had moved to another city and left the vehicle parked in the driveway of his former residence with plans to eventually retrieve it. The complainant was particularly upset because police reportedly had his telephone number but failed to call him until after the vehicle was impounded.

The man argued that his vehicle had been "stolen" and he wanted compensation. Our office cannot demand compensation for complainants, but we can evaluate whether applicable laws, ordinances, and policies have been followed in these types of cases. If we uncover proof of wrongdoing, we can suggest informal remedies, or the Ombudsman can issue formal recommendations.

In response to the complaint, we called the local police chief to get the city's side of the matter. We requested copies of applicable ordinances and notices the city sent the complainant. City police also provided photos of the vehicle in question.

During our review, we learned the van's registration was expired, was missing a wheel, and had gasoline in the tank. We also learned that the city mailed its initial abatement notice to the address where the vehicle was parked, even though the complainant no longer lived there. After the vehicle was impounded, the police chief learned that another officer had the complainant's cell phone number. Telephone contact was made, and a second notice was mailed to the complainant's new address.

We concluded the vehicle qualified as a nuisance under the definition of its ordinances. We also concluded the nuisance abatement process followed in this situation was consistent with state law and the local ordinance. Even though the complainant did not receive the initial abatement notice in the mail, the police chief's subsequent telephone call and the second written notice afforded the complainant fair and reasonable opportunities to reclaim his vehicle.

Nonetheless, we believed that police could have done better. We told police that they could and should have made informal efforts to contact the complainant before the initial nuisance abatement notice was mailed. We also suggested the department make informal contacts a part of its nuisance-abatement process going forward. Beginning the nuisance-abatement process with informal contacts such as phone calls follows advice given by the Iowa League of Cities.

Charges Dropped, Ban Lifted Against Homeless Man

A homeless man claimed he was in the wrong place at the wrong time when he was charged with trespassing at a central Iowa convenience store. The man said he was a regular customer at the store and was not posing a problem when police ordered him off the property without cause. When he tried to press his case, he was arrested and ordered not to return to the store.

The man felt it was unfair that he should be banned from the store after clerks told him that they did not ask for him to be arrested. Because the man normally frequented the store and lacked the means to go elsewhere or hire an attorney, we decided to investigate to see whether he had a legitimate complaint.

We talked to store clerks who verified the man's account. A manager said he asked police to move along others who were loitering outside. The man in question said he was not one of the loiterers and had just come to buy a drink when police stopped and questioned him. The manager agreed the man had never posed such a problem before. The manager said no store employee wanted the man banned, and he agreed to talk to prosecutors to remedy the mistake.

We offered this information to the county attorney, who promised to consider the information as part of its case. In the meantime, we told police that a store manager did not want the man penalized for visiting the store again. A police supervisor checked records, found that no notice had been given to the man, and cleared the way for the man to return to the store notwithstanding his court case.

Prosecutors later decided to dismiss the trespass case against the man based on information we provided.

A Little Effort Can Achieve Gender Balance on Boards

According to the 2010 Census, Iowa's populace is almost evenly male (49.5%) and female (50.5%). Yet, for many reasons, certain government boards and commissions have been traditionally dominated by one sex or the other.

Iowa lawmakers sought to change that trend when, in 2009, they mandated more gender equity in government decisions. The new gender-balance law requires all local governments to make good-faith efforts to seat a nearly equal number of qualified men and women to its appointed boards beginning in July 2012. However, balancing local boards remains a challenge in some areas, particularly in small towns.

We received a complaint about one such city in central Iowa. A man told us that although he had submitted his name for his town's library board, he was not selected, which left the board all-female. It was said that the man was ruled out as a potential candidate because library staff had previous complaints about his behavior at the library. Despite the report of bad behavior, we looked further into the matter to ensure the city was following the letter of the law.

After interviewing officials, we learned that the extent of the library's efforts to recruit qualified men was talking to some regular patrons. We expressed our concern that these efforts fell well short of ideal. In response, the board decided to advertise for its next vacancy. As a result of its efforts, the city did find and appoint a male to its library board.

During our review, we also found that information on the gender-balance law was absent from training materials published by state librarians. We shared guidance on the law with state library officials for inclusion in their future publications.

School District's Bidding Process Lacks Good Input, Oversight

A school board member from central Iowa contacted our office to complain that fellow board members and district administrators had ignored their own policies when they considered whether to outsource janitorial services.

We frequently receive complaints about the way in which local government agencies go about contracting with private companies. They are not easy complaints to sort out because unlike "brick and mortar" construction projects that have fairly strict bidding requirements, state law is largely silent on the bidding process for "services" such as janitorial work.

The school district in this case was small, but the contract for janitorial services was worth six figures to the winning bidder. In the view of most regulators, the more public money that is spent, the more public scrutiny that is needed. That is especially true of small, rural school districts, many of which are struggling financially.

Since state law does not say much about bidding requirements, we reviewed the school district's policies and conducted several interviews. During our review, we learned the district had bidding policies that seemed to be in conflict. One policy appeared to give the superintendent considerable latitude on such matters. The other was much more rigid. We found that the superintendent followed the less restrictive policy and would pass his recommendations on to the school board.

The district's bidding process on janitorial services did not include public input. Further, the majority of school board members reportedly knew little about the matter until a few days before they were asked to approve a contract.

We ultimately concluded the school district had followed the wrong policy. We also were troubled by the lack of public input on a matter. As a good-government agency, we believe officials should err on the side of including public input as much as possible, which did not occur in this case. We expressed our opinion that parents have a right to know who their school custodians are and how they are screened for employment.

By the time we began reviewing the matter, the district was already in the process of reconciling its conflicting policies. We gave district officials credit for that, and encouraged them to complete their policy review. Ultimately, district officials opted not to outsource their custodial services. Under the circumstances, we believe that was probably the best decision, and should give district officials ample time to consider how to better handle similar situations in the future.

- **We work with agencies to attempt to rectify problems when our investigation finds a mistake, arbitrary, or illegal action has taken place.**
- **We have unique statutory authority to investigate and determine if an action was fair or reasonable, even if in accordance with law.**
- **We have access to state and local government's facilities and confidential records to ensure complete review of facts regarding a complaint.**

Water Shutoff Threatened Over Boyfriend's Old Water Bill

A woman received notice that her water would be disconnected unless she paid her boyfriend's delinquent water bill. Her boyfriend owed about $675 for water he received five years before at a different address.

The woman questioned the city's authority to disconnect her water for an unpaid bill that did not involve her. She had water service for three months and her account was in good standing. But city officials pointed to a city ordinance which said the water can be disconnected "if a delinquent amount is owed by a customer or by anyone in his or her household." City officials claimed her boyfriend was living there, but the woman said he was not.

Frustrated, the woman called our office. Our investigator immediately wondered how anyone could be legally responsible for a delinquent water bill incurred several years prior by someone else at a different property—even if it was the caller's boyfriend.

We contacted the city clerk and she confirmed the woman's water service was scheduled to be disconnected in less than two weeks. She said local police had verified the woman's boyfriend was living there, and as a result, payment in full was the only way to avoid disconnection—even if the boyfriend moved out immediately. The clerk said the city attorney had advised city officials they were handling the matter properly.

This did not sound like a proper way to conduct business, so our investigator turned to Iowa law for guidance. She found Iowa Code section 384.83(3)(c) and could not find any language authorizing a water disconnection for an unpaid bill incurred by anyone other than the account holder "in whose name the delinquent rates or charges were incurred."

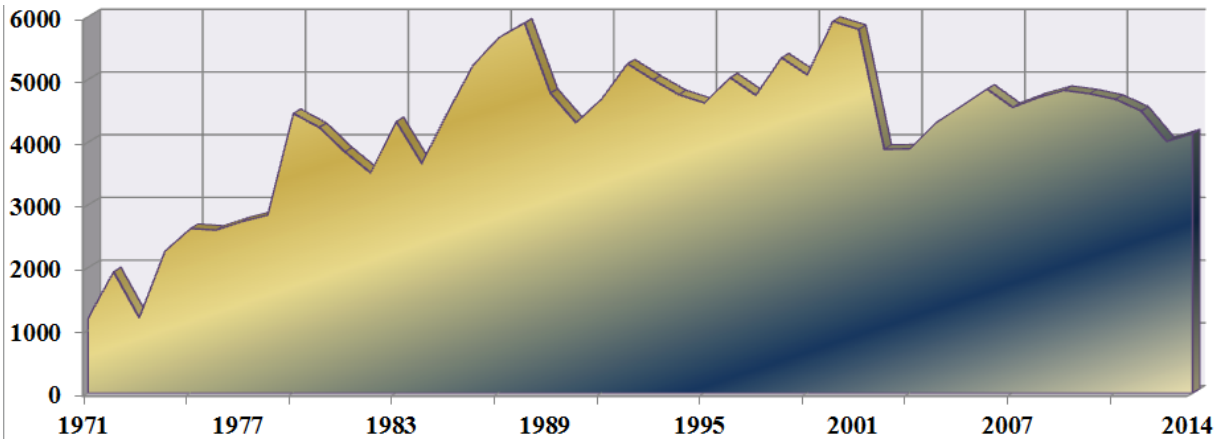
Our investigator contacted the city attorney, who told us he was not familiar with the law. Our investigator asked the city attorney to review the law and let us know what he thought. The city attorney also agreed to ask city officials to suspend the scheduled disconnection until he could review the matter.

Two weeks later, the city attorney told us that city officials no longer planned to disconnect the woman's water service because her account was in good standing. Our investigator then asked the city attorney about the provision in the ordinance which said water can be disconnected "if a delinquent amount is owed by a customer or by anyone in his or her household."

In response, the city attorney asked if we understood the city's predicament when people skip out on water bills. We stated that we understood, but we also questioned whether the ordinance was consistent with state law. The city attorney agreed to review the matter further and said city officials would consider amending the ordinance. Our office has not received any similar complaints about this particular city.

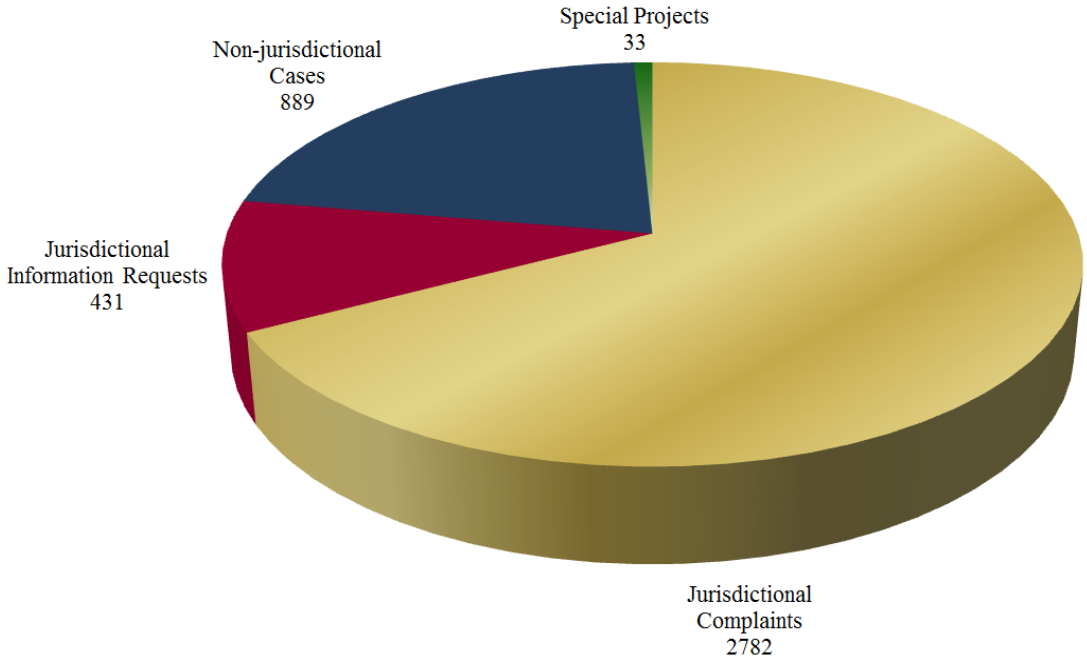
Statistics

4,135 Cases Opened in 2014

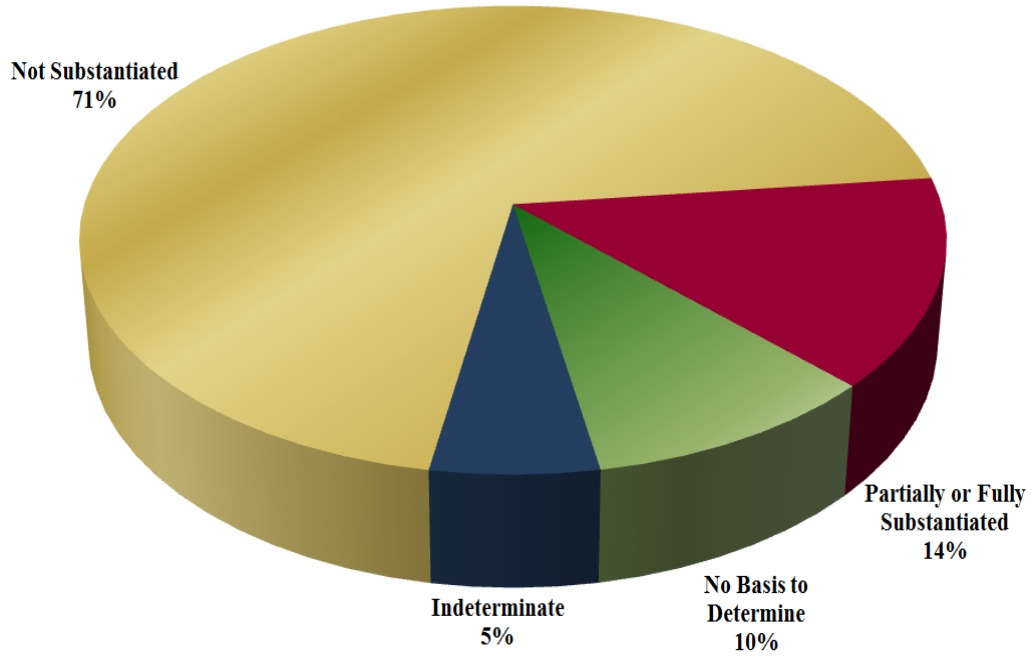


This chart shows the number of contacts received by the Office of Ombudsman each year from 1971 through 2014.

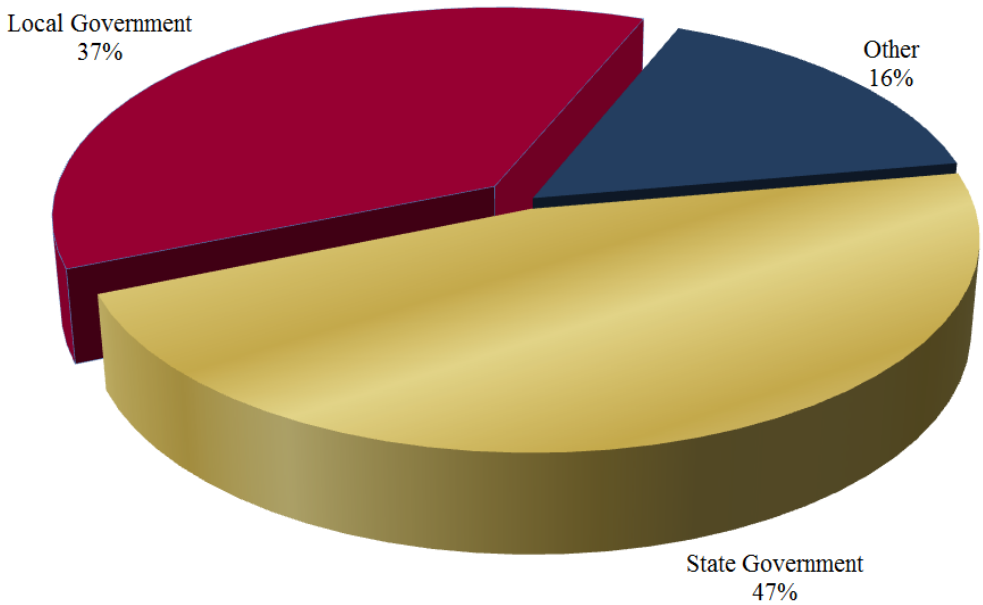
Types of Cases Opened in 2014



Determinations on Investigated Complaints



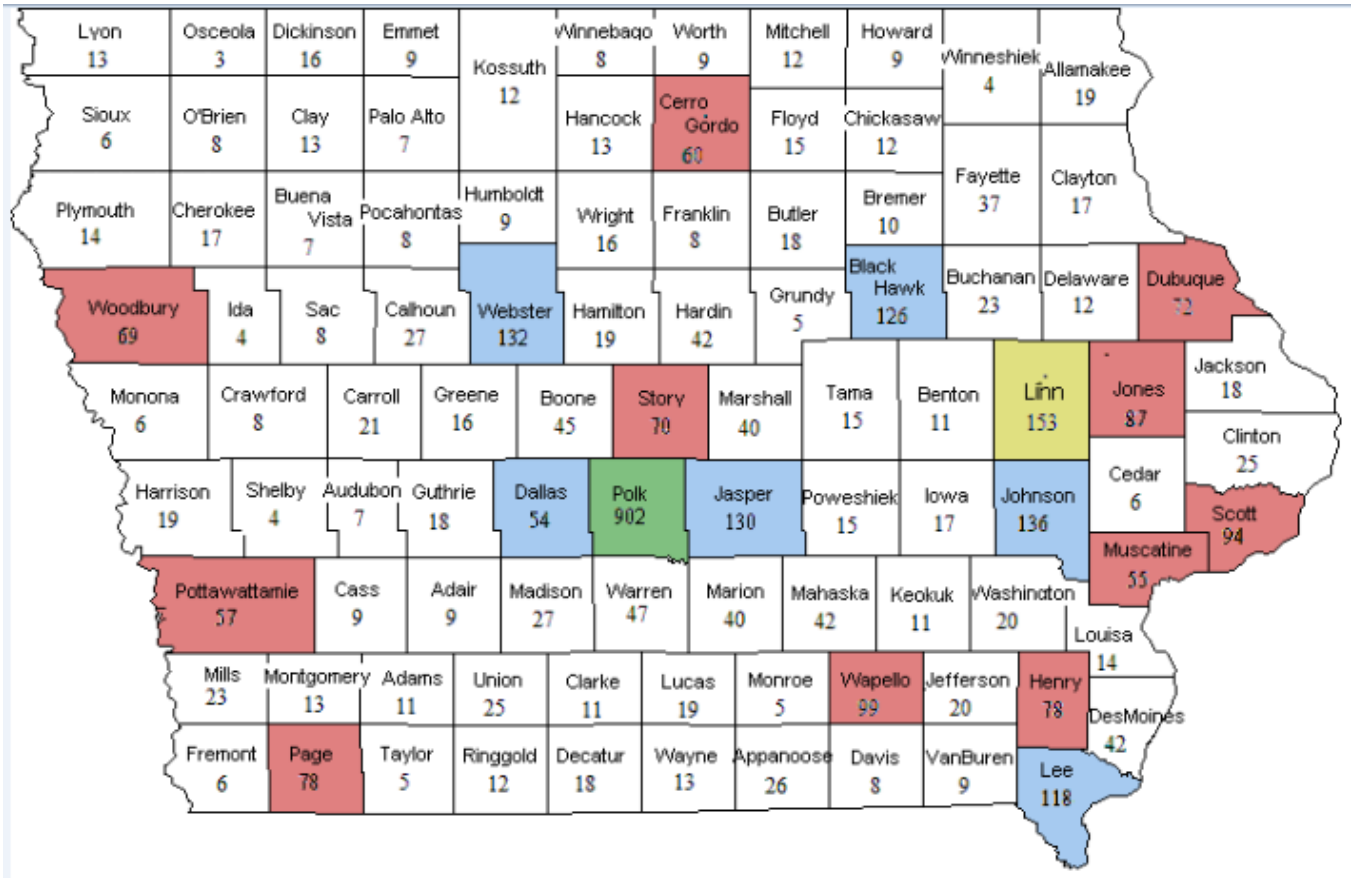
Subjects of Cases



Cases Opened in 2014 by Agency

Name	Jurisdictional Complaints	Jurisdictional Information Requests	Non-jurisdictional Cases	Total	Percentage of Total
Administrative Services	4	4	0	8	0.20%
Aging	2	25	0	27	0.66%
Agriculture & Land Stewardship	2	1	0	3	0.07%
Attorney General/Department of Justice	3	9	0	12	0.29%
Auditor	0	1	0	1	0.02%
Blind	0	2	0	2	0.05%
Civil Rights Commission	8	3	0	11	0.27%
College Aid Commission	0	0	0	0	0.00%
Commerce	7	9	0	16	0.39%
Corrections	703	25	0	728	17.75%
County Soil & Water Conservation Districts	0	0	0	0	0.00%
Cultural Affairs	1	0	0	1	0.02%
Drug Control Policy	0	1	0	1	0.02%
Economic Development	1	0	0	1	0.02%
Education	3	4	0	7	0.17%
Educational Examiners Board	1	0	0	1	0.02%
Ethics and Campaign Disclosure Board	0	0	0	0	0.00%
Executive Council	0	0	0	0	0.00%
Human Rights	5	1	0	6	0.15%
Human Services	329	43	0	372	9.07%
Independent Professional Licensure	1	0	0	1	0.02%
Inspections & Appeals	34	5	0	39	0.95%
Institute for Tomorrow's Workforce	0	0	0	0	0.00%
Iowa Communication Network	0	0	0	0	0.00%
Iowa Finance Authority	1	0	0	1	0.02%
Iowa Lottery	1	0	0	1	0.02%
Iowa Public Employees Retirement System	1	1	0	2	0.05%
Iowa Public Information Board	1	18	0	19	0.46%
Iowa Public Television	0	0	0	0	0.00%
Law Enforcement Academy	0	0	0	0	0.00%
Management	0	0	0	0	0.00%
Municipal Fire & Police Retirement System	0	1	0	1	0.02%
Natural Resources	8	4	0	12	0.29%
Office of Ombudsman	0	31	0	31	0.76%
Parole Board	13	10	0	23	0.56%
Professional Teachers Practice Commission	0	0	0	0	0.00%
Public Defense	0	2	0	2	0.05%
Public Employees Relations Board	0	0	0	0	0.00%
Public Health	14	4	0	18	0.44%
Public Safety	15	4	0	19	0.46%
Regents	13	2	0	15	0.37%
Revenue & Finance	35	9	0	44	1.07%
Secretary of State	0	3	0	3	0.07%
State Fair Authority	0	0	0	0	0.00%
State Government (General)	63	87	0	150	3.66%
Transportation	34	8	0	42	1.02%
Treasurer	0	0	0	0	0.00%
Veterans Affairs Commission	5	0	0	5	0.12%
Workforce Development	43	11	0	54	1.32%
State government - non-jurisdictional					
Governor	0	0	10	10	0.24%
Judiciary	0	0	176	176	4.29%
Legislature and Legislative Agencies	0	0	12	12	0.29%
Governmental Employee-Employer	0	0	30	30	0.73%
Local government					
City Government	531	53	0	584	14.24%
County Government	620	32	0	652	15.89%
Metropolitan/Regional Government	25	4	0	29	0.71%
Community Based Correctional Facilities/Programs	228	11	0	239	5.83%
Schools & School Districts	27	3	0	30	0.73%
Non-Jurisdictional					
Non-Iowa Government	0	0	112	112	2.73%
Private	0	0	549	549	13.38%
Totals	**2782**	**431**	**889**	**4102**	100.00%

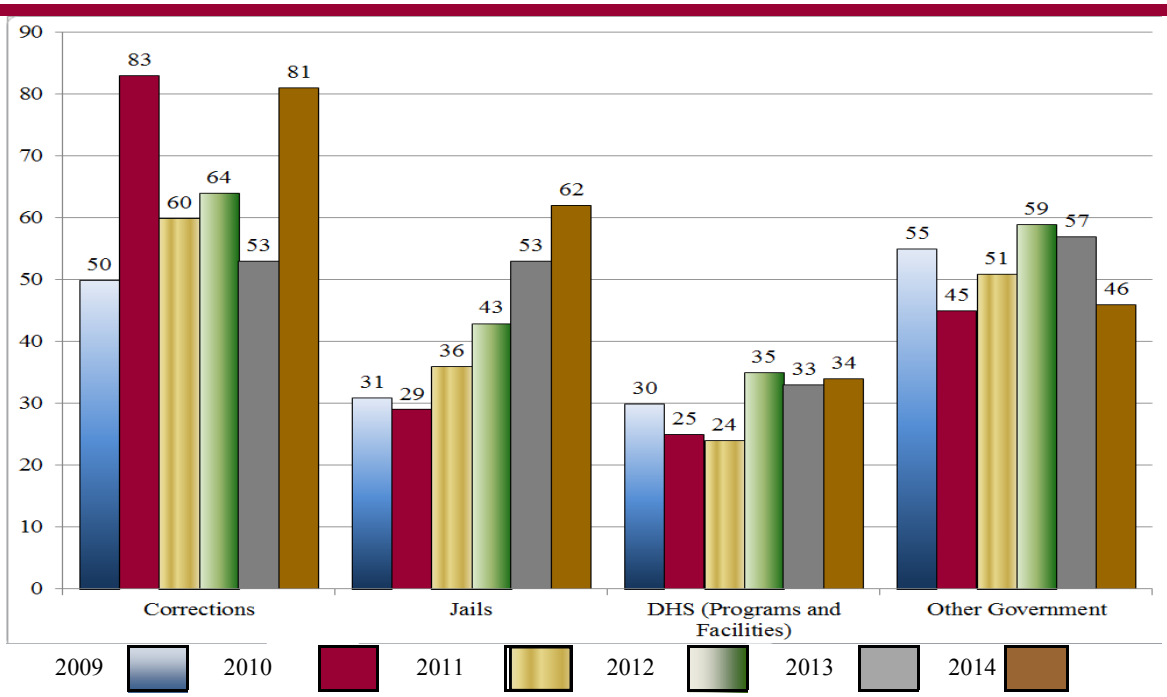
Cases Are Received From All Counties in Iowa



The numbers on this map represent 3,835 cases.
Not shown on the map are the following:

- *Iowa unknown (50);*
- *other states, District of Columbia and territories (226);*
- *other countries (3);*
- *and unknown (21).*

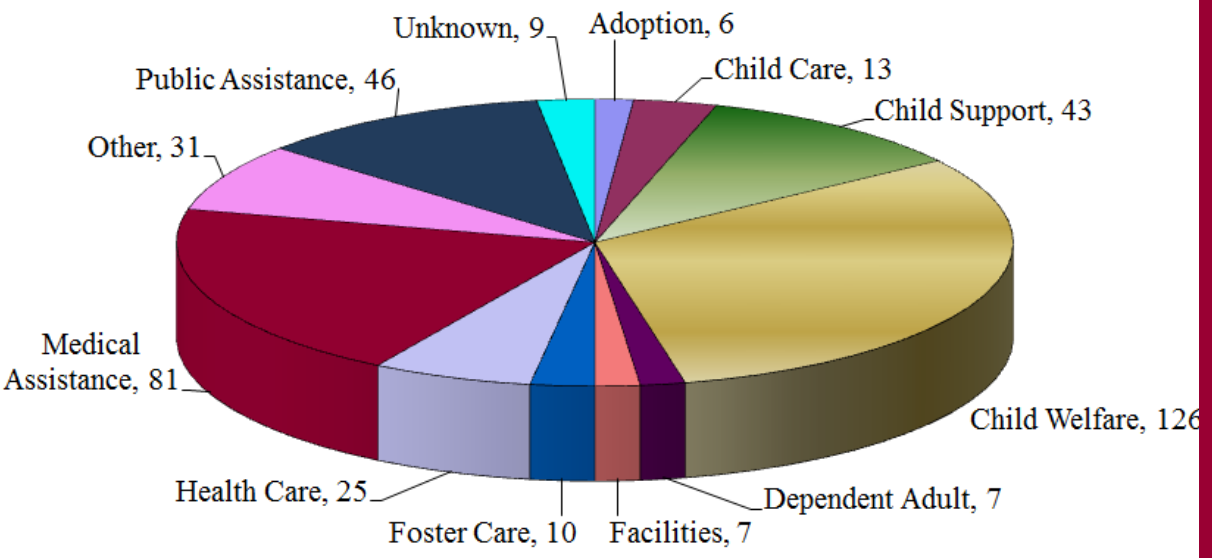
Mental Health Related Cases



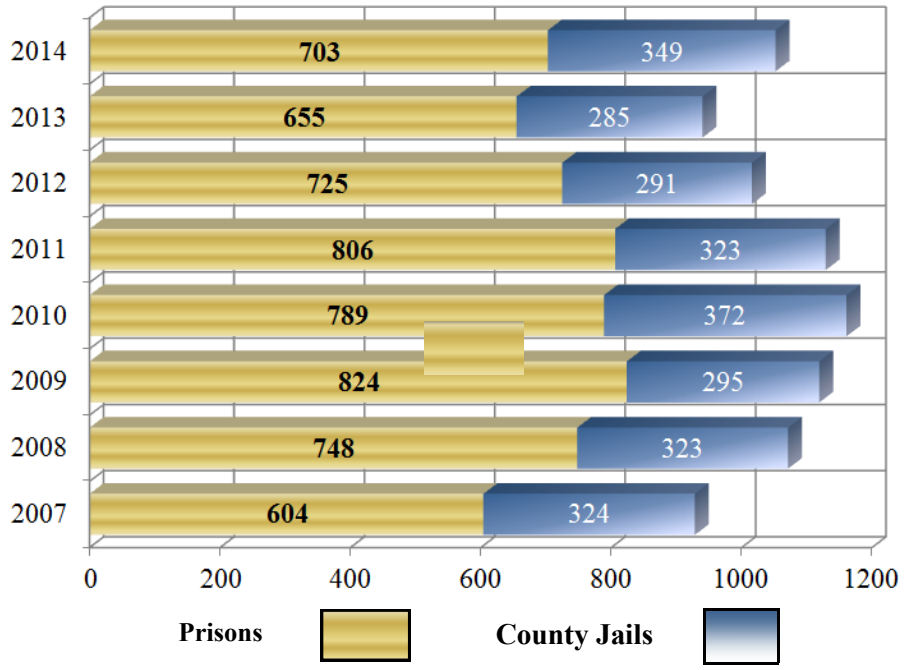
Mental Health related cases identify cases:

- ***Where complainants claim they were adversely impacted as a result of their mental illness.***
- ***Involving the delivery and availability of mental health services.***
- ***Where the agency identifies mental illness as an issue in the complaint.***

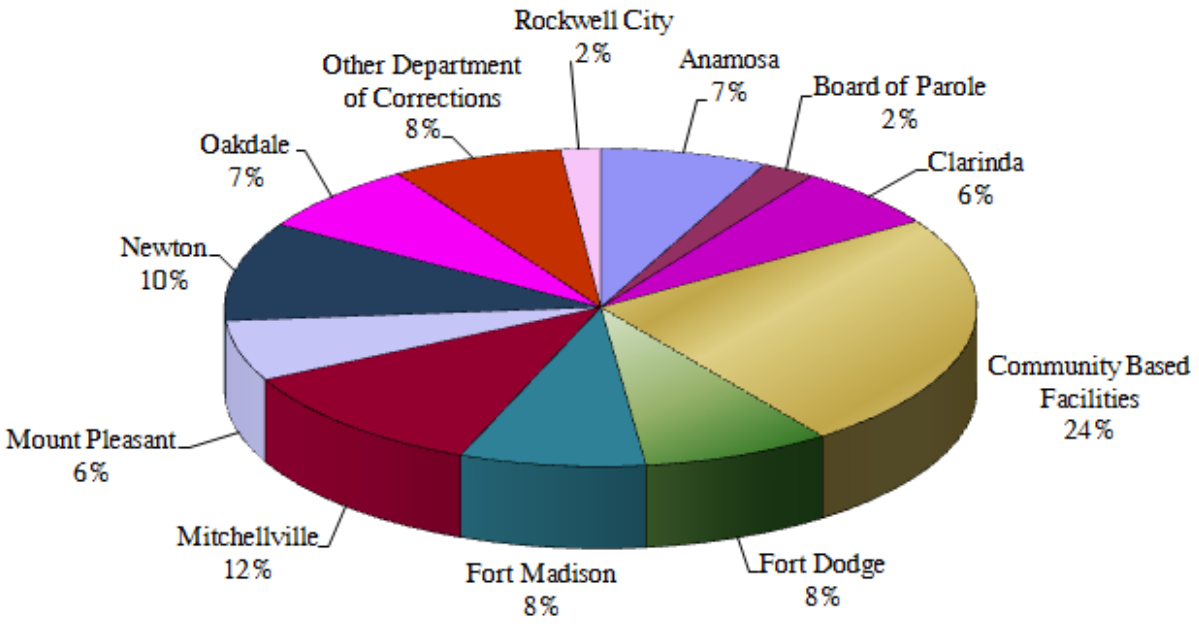
Human Services Cases



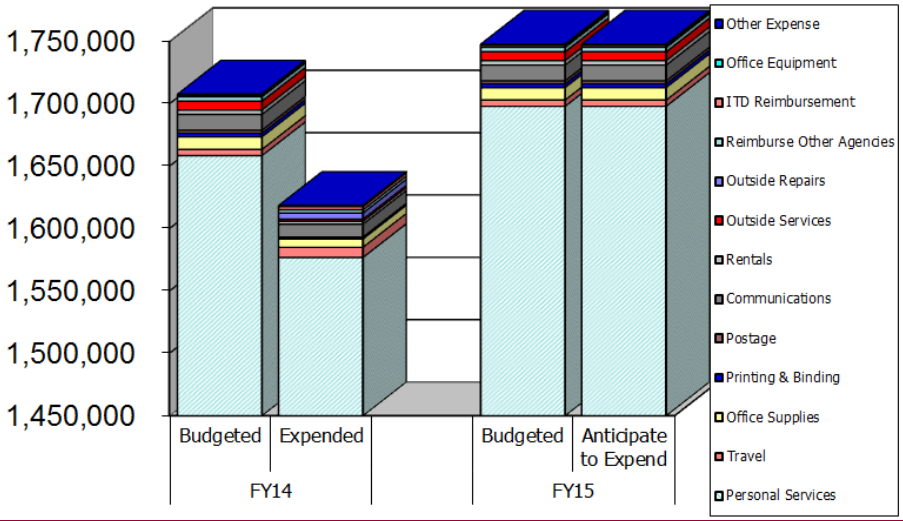
Number of Prison & Jail Complaints



Subjects of Corrections Cases



Office of Ombudsman
FY14 & FY15 Financial Information



Budget information is presented to meet the requirement that state government annual reports to the Legislature include certain financial information.

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Barbara Van Allen, Assistant Ombudsman 3
Kyle R. White, Assistant Ombudsman 3
Jeri Burdick Crane, Senior Financial Officer
Debbie Julien, Secretary/Receptionist

Jung-gun Park, Chief Secretary to the Chairman of the South Korea's Anti-Corruption and Civil Rights Commission. Mr. Park is completing an 18-month fellowship study in our office.

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