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# Iowa Citizens' Aide/Ombudsman



## 1990 Annual Report

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**REPORT TO:**

**THE SEVENTY-FOURTH IOWA GENERAL ASSEMBLY**

**FIRST SESSION**

**AND**

**THE GOVERNOR OF IOWA**

**1990 ANNUAL REPORT**

**BY THE IOWA CITIZENS' AIDE/OMBUDSMAN**





STATE OF IOWA

CITIZENS' AIDE/OMBUDSMAN  
CAPITOL COMPLEX  
215 EAST 7TH STREET  
DES MOINES, IOWA 50319-0231  
(515) 281-3592



WILLIAM P. ANGRICK II  
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

April 1, 1991

Dear Governor and Members of the General Assembly:

Calendar year 1990 was one of resolution, reemphasis and focus for the Office of Citizens' Aide/Ombudsman (CA/O).

In April the Iowa Supreme Court decided Citizens' Aide/Ombudsman v. Sheriff Robert Rolfes, 454 NW 2nd 815 (Iowa 1990), which clarified the statutory powers and authority under which the CA/O conducts investigations. At issue was the status of CA/O's investigation of a county sheriff concerning allegations of misuse of government property and violation of gift law, among other issues. CA/O had sought an order to compel the sheriff's compliance with a subpoena, and the sheriff sought a protective order. A Polk County District Court Judge granted the protective order and CA/O appealed.

In a broad clarification and underscoring of the Ombudsman function the Supreme Court held that: (1) CA/O's investigation was not a "contested case", which determines rights of specific individuals based on their own particular facts and circumstances, and the sheriff was not entitled to protection of contested case procedures; (2) the sheriff was not entitled as a matter of due process to pre-investigation hearings; and (3) that the CA/O could not be said to have acted unreasonably in its investigation of the county sheriff and that the investigation was within the authority of the CA/O.

Based upon this decision, we reviewed the complaints about the county sheriff together with the facts we had been able to discern prior to interruption of the investigation. In light of a state auditor's report which had been released criticizing the operation of the sheriff's office and a prosecuting attorney's report released upon conclusion of the Osceola County Grand Jury's consideration of certain



matters which had been referred to the area prosecutor by CA/O, it was my determination that sufficient public airing of the various issues had been achieved and that there would be no useful purpose to pursue aspects of the case which remained unresolved. Accordingly, both the sheriff and the initial complainant were advised of the decision to cease CA/O's investigation.

As the half year approached it became increasingly clear that the goals and potential of the organizational staffing of the office into an Intake and Rapid Resolution Team and an Investigative Team were not being realized.

Toward the end of summer the two team system was evaluated and it was decided to return to the deputy-of-the-day rotation system, which had served the office for almost two decades. One of the lessons from this unsuccessful experiment was that current staffing resources were insufficient to accomplish the kind of functional specialization desired.

During summer and into the fall members of the ombudsman's staff were involved in two important committees. One, a focus group, comprised of various criminal justice and human rights offices, including the Criminal and Juvenile Justice Planning Agency, the Commission on the Status of Blacks, and the CA/O, noted the disproportionate number of African Americans incarcerated in the Iowa corrections system and a series of recommendations were made regarding how to account for and understand this social phenomenon. The second was an examination of the causes of and possible remedy for the exceedingly high number of federal law suits being filed by Iowa prisoners. This committee, comprised of representatives from the federal court, the Iowa Bar Association, Legal Services Corporation, the Iowa Civil Liberties Union, the Iowa Department of Corrections, the Attorney General's office and CA/O, concluded that certain significant changes in the disciplinary and grievance procedures, including enhanced due process protections for prisoners, might reduce the expensive and time consuming litigation between Iowa prison officials and inmates. CA/O continues to closely examine several aspects of the Iowa prison system with a view toward seeking procedural changes which could alleviate this dilemma.

In November a senior staff member, who served as Assistant for Corrections, resigned. Another staff member, experienced in handling complaints from correctional facilities as well as general casework, was assigned as Assistant for Institutions, which represents a refocusing of the office toward a coordinated delivery of services in the institutional context.

The Assistant for Institutions, with the assistance of three



junior staff members, coordinates receipt and investigation of complaints from the eight correctional facilities, four mental health institutes, two hospital schools, the two juvenile institutions, and the Iowa Veteran's Home.

At this same time another veteran staff member was assigned as Assistant for Public Safety, charged with responsibility for investigating complaints dealing with law enforcement, jails, fire protection, disaster relief, and emergency medical service.

In December I appeared on a panel of practicing ombudsmen before the Administrative Conference of the United States in Washington, D.C. as that body met with approximately 200 representatives of the federal bureaucracy to consider establishment of ombudsman offices at the national level of government.

As we progress through 1991, the office of Citizens' Aide/Ombudsman will commence its third decade of service. It is important to reflect that many of the accomplishments of the office have been achieved through the cooperation and support of public sector employees at all levels of government: state, county, municipal and school. Without their dedication the job would be far more difficult and less rewarding.

Submitted by,

William P. Angrick II

WPA:jg



## PROFESSIONAL STAFF

William P. Angrick II      Citizens' Aide/Ombudsman

Ruth L. Mosher              Deputy Citizens' Aide/Ombudsman  
- special assignment to Iowa Cor-  
- rectional Institution for Women  
- administrative oversight of  
- clerical staff

Ruth H. Cooperrider        Legal Counsel  
- started employment July 1990

Randy A. Meline            Assistant for Institutions  
- overall responsibility for  
- complaints dealing with adult  
- correctional facilities,  
- mental health institutes,  
- hospital-schools, and juvenile  
- facilities  
- specific assignments to Iowa  
- State Penitentiary, John Bennett  
- Correctional Center, Medium  
- Security Unit, Correctional  
- Treatment Unit, Riverview Release  
- Center, and Iowa Veteran's Home

Michael J. Ferjak          Assistant for Public Safety  
- general casework  
- overall responsibility for com-  
- plaints dealing with law enforce-  
- ment, jails, fire protection,  
- disaster relief, and emergency  
- medical services

Tina M. Eick                Assistant I  
- started employment February 1990  
- general casework and special  
- assignments

Connie L. Bencke          Assistant I  
- started employment August 1990  
- general casework  
- specific assignment to the four  
- mental health institutes and the  
- two hospital-schools

Wendy L. Sheetz            Assistant I  
- started employment September 1990  
- general casework  
- specific assignment to the two  
- juvenile institutions



Judith A. Stageberg

Assistant I

- started employment January 1991
- general casework
- specific assignment to the Iowa Men's Reformatory, the Iowa Medical & Classification Center, and the North Central Correctional Facility

CLERICAL STAFF

Judith L. Green

Executive Secretary

Patricia Nett

Administrative Secretary

Maureen A. Kennedy

CA/O Secretary



ERRATA

Front row: Maureen Kennedy, Judy Green, Connie Bencke, Ruth Mosher.

Back row: Randy Meline, Judith Stageberg, Tina Eick, Wendy Sheetz, Ruth Cooperrider, Bill Angrick, Michael Ferjak.

Not Pictured: Pat Nett



ANNUAL REPORT NARRATIVE

During calendar year 1990 the office of Citizens' Aide/Ombudsman received 4,311 contacts from individuals with complaints or requests for information. These contacts were received from each of the 99 Iowa counties, 32 states and two foreign countries. A map illustrating the geographic distribution of the contacts originating from Iowa is included elsewhere in this report.

Individuals may contact the office by telephone, mail or in person. The office offers an Iowa In-WATS line, a Telecommunications Device for the Deaf (TDD), and a FAX machine. Flexibility is sought and there are no required forms to complete. However, written complaints may be requested when the issues are detailed, complicated or sensitive. Written complaints are generally requested for complaints dealing with law enforcement. During 1990 contacts were initiated with the office in the following proportions:

<u>SOURCE</u>	<u>TOTAL</u>	<u>PERCENT</u>
Telephone	3,394	79%
Mail	417	10%
Institutional Visit	404	9%
Office Visit	77	2%
Self-Initiated	18	less than 1%
Site Visit	1	less than 1%
	<hr/>	<hr/>
	4,311	100%

In 1990 approximately 15 percent of the 1,413 jurisdictional complaints received were found to be justified or partially justified; 46 percent were determined not justified; and 39 percent were either referred, withdrawn or there was no basis to evaluate the merits of the complaint.

Non-jurisdictional complaints accounted for 940 of the contacts received in 1990. Jurisdictional information requests numbered 1,144 during the year, while 660 of the contacts were non-jurisdictional information requests. Fifty-one contacts were of undetermined nature.

Of the 4,311 contacts received during 1990, ninety-eight percent were completed and closed during the year. One hundred three cases remained open and under investigation into 1990.

The length of time a contact remained open -- that is, until the complaint was evaluated as justified or not justified, and if determined to be justified an equitable resolution



achieved; the information located and provided; or an appropriate referral made -- ranged considerably. Statistics demonstrate that 95 percent of the contacts were completed in 60 days or less.

<u>DAYS OPEN</u>	<u>NUMBER OF CONTACTS</u>	<u>PERCENT</u>
10 days or less	3,530	82%
11 - 30 days	449	10%
31 - 60 days	143	3%
61 - 90 days	43	less than 1%
91 - 180 days	34	less than 1%
181 days or more	9	less than 1%
Remained open into 1990	103	2%
	4,311	100%

The range of contact with the office remains varied. Issues requiring investigation have involved minor local offices to the directors and policies of large state agencies. The greater proportion of contacts deal with those agencies and levels of government more directly involved in providing services to or regulating or controlling behavior of large numbers of citizens. Approximately 18 percent of the contacts dealt with divisions, institutions, or programs of the Department of Corrections and the Board of Parole. Lesser numbers involved the Department of Human Services (7.3 percent); the Department of Employment Services (2.9 percent); and the Department of Transportation (1.8 percent). Municipal government generally accounted for 7 percent and county government generally comprised 6.2 percent of the contacts received during the year. Less than one percent pertained to schools and school districts. A complete listing of the agencies, levels of government, and other problem areas about which the Ombudsman received contacts is presented elsewhere in this report.

The Citizens' Aide/Ombudsman has statutory authority to issue reports regarding governmental officers and agencies. These reports may be either critical or special in nature. A critical report may conclude that an agency or official acted arbitrarily, capriciously, unreasonably, or contrary to law. A special report details investigative findings that are not critical of an officer or agency yet involves matters sufficiently important or which have generated public attention to the degree that the Ombudsman believes a public statement is necessary. In 1990 the Ombudsman did not find it necessary to issue either a critical or special report.



## LEGISLATIVE PROPOSALS

- LR 90-1 Amend the Sexual Abuse Code to establish the crime of sexual abuse in the fourth degree which would occur whenever an employee, officer, or agent of the Department of Correctional Services, the Department of Human Services or its divisions, or institutional facility engages in a sex act with a person in the custody of said department, division or facility.
- LR 90-2 Create a civilian law enforcement oversight authority to review the actions of state and local law enforcement agencies and personnel.
- LR 90-3 Amend the definition of public accommodation in the Iowa Civil Rights law to allow the Commission to entertain the civil rights complaints of prisoners and detainees.

## BUDGET

During Fiscal Year 1989-90 the state appropriation for operation of the office of Citizens' Aide/Ombudsman was \$481,000.



1990  
CITIZENS' AIDE/OMBUDSMAN  
CONTACT STATISTICS

JURISDICTIONAL AGENCIES, DEPARTMENTS AND OFFICES	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
State of Iowa (General)	183	4.2%
- Iowa Law/Bill Status	[ 99 ]	
- Governmental Financial Assistance	[ 24 ]	
- Open Meetings/Public Records	[ 3 ]	
Citizens' Aide/Ombudsman	[ 43 ]	0.9%
Department of Justice	66	1.5%
- Consumer Advocate Office	[ 36 ]	
- Prosecuting Attorneys Training Coordinator Office	[ 3 ]	
- Victim Reparation	[ 11 ]	
Auditor of State	1	less than 0.0%
Secretary of State	9	0.2%
- Notaries Public	[ 2 ]	
Treasurer of State	6	0.1%
Department of Agriculture and Land Stewardship	21	0.4%
- Laboratory Division	[ 1 ]	
- Regulatory Division	[ 10 ]	
- Soil Conservation Division	[ 1 ]	
- State Fair Board	[ 4 ]	
Civil Rights Commission	15	0.3%
College Aid Commission	6	0.1%
Department of Commerce	45	1.0%
- Administrative Services Division	[ 1 ]	
- Alcoholic Beverages Division	[ 1 ]	
- Banking Division	[ 4 ]	
- Insurance Division	[ 19 ]	
- Professional Licensing and Regulation Division	[ 1 ]	
- Engineering and Land Surveying Examining Board	( 3 )	
- Utilities Division	[ 14 ]	

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



Department of Corrections	763	17.0%
- Administration Division	[ 1 ]	
- Community Services Division	[ 1 ]	
- Community Based Corrections	( 62 )	
- Parole and Probation	( 30 )	
- Work Release	( 26 )	
- Institution Division	[ 5 ]	
- Iowa Men's Reformatory, Anamosa and Luster Heights Facility	(176)	
- Correctional Treatment Unit, Clarinda	( 16 )	
- Iowa State Penitentiary, John Bennett Correctional Center and Prison Farms, Ft. Madison	(151)	
- Iowa Correctional Institution for Women, Mitchellville	( 61 )	
- Medium Security Unit, Mt. Pleasant	(121)	
- Riverview Release Center, Newton	( 16 )	
- Iowa Medical & Classification Center, Oakdale	( 43 )	
- North Central Correctional Facility, Rockwell City	( 37 )	
Board of Parole	83	1.9%
Department for the Blind	2	less than 0.0%
Department of Cultural Affairs	9	0.2%
- Arts Division	[ 1 ]	
- Historical Division	[ 6 ]	
- Library Division	[ 1 ]	
Department of Economic Development	52	1.2%
- Financial Division	[ 5 ]	
- Job Training Division	[ 4 ]	
- Local Assistance Division	[ 1 ]	
- Marketing and Business Development Division	[ 22 ]	
- Iowa Finance Authority	[ 1 ]	
Department of Education	25	0.5%
- Administrative Services Division	[ 6 ]	
- Area Schools Division	[ 10 ]	
- Vocational Rehabilitation Division	[ 7 ]	
Department of Elder Affairs	17	0.3%
- Nursing Home Ombudsman	[ 15 ]	
- Area Agencies on Aging	[ 1 ]	

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



Department of Employment Services	127	2.9%
- Industrial Services Division	[ 16]	
- Job Service Division	[ 11]	
- Field Operations	( 4)	
- Job Insurance	( 40)	
- Job Service	( 14)	
- Labor Services Division	[ 6]	
- Consultation and Education	( 4)	
- Wage Collection	( 11)	
- Inspections and Reporting	( 3)	
- Occupational Safety and Health	( 10)	
- Legal and Appeals Division	[ 3]	
 Department of General Services	 12	 0.2%
- Administrative Services Division	[ 1]	
- Building and Grounds Division	[ 3]	
- Printing Division	[ 3]	
- Property Management Division	[ 1]	
- Purchasing and Materials Division	[ 1]	
- Vehicle Dispatcher Division	[ 3]	
 Department of Human Rights	 6	 0.1%
- Community Action Agencies	[ 2]	
- Deaf Services	[ 2]	
 Department of Human Services	 315	 7.3%
- Community Services Division	[ 1]	
- Collections	( 93)	
- District and County Offices	( 38)	
- Iowa Veteran's Home	[ 3]	
- Mental Health, Mental Retardation, & Developmental Disabilities Division	[ 1]	
- Mental Health Institute, Cherokee	( 9)	
- Mental Health Institute, Clarinda	( 2)	
- Mental Health Institute, Independence	( 1)	
- Mental Health Institute, Mt. Pleasant	( 3)	
- State Hospital-School, Glenwood	( 4)	
- State Hospital-School, Woodward	( 1)	
- Social Services Division	[ 10]	
- Economic Assistance Bureau	( 33)	
- Medical Services Bureau	( 26)	
- Adult, Children and Family Services	( 65)	
- State Training School, Eldora	( 4)	
- Iowa Juvenile Home, Toledo	( 2)	
- District and Local Offices	( 5)	

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



Department of Inspections and Appeals	16	0.7%
- Appeals and Fair Hearings Division	[ 2]	
- Inspections Division	[ 9]	
- Foster Care Review Board	[ 1]	
- Racing and Gaming Commission	[ 3]	
Department of Management	2	less than 0.0%
- Administrative Services Division	[ 1]	
- Human Services Division	[ 1]	
State Appeal Board	4	less than 0.0%
Department of Natural Resources	31	0.7%
- Coordination & Information Division	[ 1]	
- Energy & Geological Resources Division	[ 1]	
- Environmental Protection Division	[ 18]	
- Fish and Wildlife Division	[ 2]	
- Parks, Recreation, & Preserves Division	[ 6]	
Department of Personnel	16	0.3%
- Administration, Development, & Pre-employment Division	[ 2]	
- Affirmative Action	( 1)	
- Employment Operations Division	[ 4]	
- Iowa Public Employees Retirement System (IPERS)	[ 5]	
Public Employment Relations Board	1	less than 0.0%
Department of Public Defense	2	less than 0.0%
- Military Division	[ 1]	
- Veterans Affairs Division	[ 1]	
Department of Public Health	25	0.5%
- Central Administration/Professional Licensure Division	[ 3]	
- Board of Barbers Examiners	( 1)	
- Board of Dieticians Examiners	( 1)	
- Board of Mortuary Science Examiners	( 1)	
- Board of Social Workers Examiners	( 2)	
- Health Promotion & Disease Prevention Division	[ 4]	
Professional Licensure Boards	5	0.1%
- Board of Medical Examiners	[ 1]	

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



Department of Public Safety	21	0.4%
- Administrative Services Division	[ 1]	
- Criminal Investigation Division	[ 1]	
- Fire Marshal Division	[ 4]	
- State Patrol Division	[ 13]	
- Capitol Security Division	( 1)	
Board of Regents	18	0.4%
- University of Iowa	[ 2]	
- Hospitals & Clinics	( 7)	
- Iowa State University	[ 6]	
- University of Northern Iowa	[ 1]	
- Iowa School for the Deaf	[ 2]	
Department of Revenue and Finance	41	0.9%
- Audit and Compliance Division	[ 7]	
- Financial Management Division	[ 1]	
- Information & Management Services Division	[ 9]	
- Local Government Services Division	[ 1]	
- Lottery Division	[ 7]	
Department of Transportation	80	1.8%
- Administration Division	[ 5]	
- Air & Transit Division	[ 1]	
- Highway Division	[ 10]	
- Motor Vehicle Division	[ 59]	
*****		
Schools and School Districts	33	0.7%
- Administration	[ 10]	
- Board	[ 2]	
Municipal Government	304	7.0%
- Administration/Clerk/Manager	[ 9]	
- Assessor	[ 2]	
- Attorney	[ 3]	
- Housing and Zoning	[ 29]	
- Mayor/Council	[ 57]	
- Municipal Utilities	[ 12]	
- Parks/Recreation	[ 2]	
- Police/Jails	[ 138]	
- Public Works	[ 14]	
County Government	269	6.2%
- Assessor/Conference Board/ Board of Review	[ 6]	
- Attorney	[ 40]	
- Auditor	[ 3]	
- Clerk of Court	[ 3]	

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



County Government (continued)

- Conservation Commission	[ 2 ]
- Engineer/Roads Department	[ 7 ]
- General Relief	[ 6 ]
- Sheriff/Jail	[142]
- Board of Supervisors	[ 15 ]
- Township Trustees/Benefitted Districts	[ 1 ]
- Treasurer	[ 5 ]
- Weed Commissioner	[ 5 ]
- Zoning	[ 7 ]

Metropolitan/Regional Government 2 less than 0.0%

Private Non-Profit Quasi-Government Agency 5 0.1%

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NON-JURISDICTIONAL

Government, State	140	3.2%
- Executive/Governor	[ 12 ]	
- Judiciary	[100]	
- Legislature/Legislative Agencies	[ 24 ]	
States Other Than Iowa	21	0.4%
- Interstate Compact Matters	[ 6 ]	
Government, Federal	191	4.4%
Government, International	1	less than 0.0%
Non-Jurisdictional - General	1,302	30.2%
- Consumer	[239]	
- Employer/Employee	[363]	
- Financial Institution	[ 22 ]	
- Insurance	[ 67 ]	
- Landlord Tenant	[ 60 ]	
- Legal (Private)	[347]	
- Health Profession	[ 44 ]	
- Nursing Homes	[ 6 ]	
- Utilities	[ 56 ]	
Undetermined	51	1.1%

Bracketed figures indicate divisional totals, figures in parenthesis represent intra-divisional totals.



## CASE SUMMARIES

SUN-SENSITIVE SALESWOMAN SEEKS EXEMPTION. Traveling saleswoman with a medical condition that made her sensitive to the sun was concerned about the restrictions and penalties for having too darkly tinted windows in her automobile. She had tried unsuccessfully for a month to obtain information about what she needed to do to be granted a waiver from the restriction because of her medical condition. In a last chance effort, the woman contacted the Citizens' Aide/Ombudsman (CA/O). CA/O contacted the Department of Transportation (DOT) and discovered that they were currently in the process of adopting rules for exceptions to the law for people with medical conditions such as the complainants. CA/O responded to the citizen the same day, explained the situation and arranged for DOT to provide her with documentation in case she was stopped before the rules were finalized. As a follow up to this issue CA/O is aware that several legislative proposals have been introduced in the current legislature, many of which would give statutory recognition to medical conditions requiring automobile windows tinted darker than the general standard.

\* \* \*

SHERIFF DENIES GUN PERMIT. Citizen complained that sheriff would not grant him a permit to carry a concealed weapon. Citizen argued that he had taken a weapons safety course in another county and that this should qualify him for the permit. He argued that he and his wife drove around a lot at night and collected cans and he believed a handgun would provide protection. The sheriff did not agree. CA/O shared a copy of Chapter 724 of the Iowa Code with the man, which provides sheriffs with discretion about who should get the permits. CA/O did not believe the sheriff exceeded his discretion in this case.

\* \* \*

MORE PRISON GANG ACTIVITY NOTED. Inmate complained to CA/O that he had received a one-year, disciplinary lockup for sending letters out of the prison which detailed gang activity inside the walls. He believed the punishment was too severe. CA/O noted during the year that other inmates were also given stiff penalties for gang affiliation and activities. CA/O discussed this matter with prison officials and learned that increasingly, they were taking a hard line on gang activity. More gang-related infractions were also being noted in the prison system because several correctional officers were becoming expert at recognizing gang insignias, language, haircuts and other identifying characteristics - aided by police departments and other law



enforcement officials. Given the dangerous possibilities of gangs in prisons, CA/O believes a hard line must be taken to curb the growth of this activity.

\* \* \*

RAPE COMPLAINT RESULTS IN HARASSMENT CHARGE. Young woman contacted CA/O to complain that small-town police department had not vigorously pursued her complaint that she had been raped several times (on different days) by the same man. CA/O interviewed complainant and learned that she had met the man at a bar and had apparently given him enough information about herself so that he could find her home. CA/O contacted the police chief and learned that during a polygraph she had tested as deceptive when questioned about her knowledge of the assailant. Based on that test she was charged with harassment for providing police with false information. CA/O suggested she retain legal counsel but she said she had talked to attorneys and no one would take the case. CA/O talked to the State Bar Association, Legal Services Corporation, the Commission on the Status of Women and several rape crisis centers in complainant's geographic area. Finally, CA/O made contact with a rape crisis center director who agreed to set up a meeting with complainant and the center's staff attorney. After the meeting complainant went to court on the harassment charge and the case was dismissed.

\* \* \*

THE CHECK IS IN THE MAIL, OR IS IT? Citizen complained that the state owed him over \$300 for an error in a child support judgment in 1988 and he still had not received his refund. The citizen had contacted his local Department of Human Services (DHS) office and was informed that a check had been sent in 1988 and that it had been endorsed and cashed. Citizen was still not convinced he had received the check so he asked for a copy of the cancelled check and the endorsement, but was told because of all the paperwork it would take 60 to 90 days. Citizen felt this was an unreasonable length of time. CA/O contacted the state child support office and within four working days a copy was provided to the citizen. After reviewing the signature on the cancelled check, complainant realized he had in fact received the check, but hadn't remembered endorsing it.

\* \* \*

BAD BLOOD CAUSES PROBLEMS. African American at a state prison was a victim of a plot by white inmates working at the plasma center to sabotage plasma bags of African American inmates. As a result of the tampering, the inmate's platelets could not be returned to his body and he was prohibited from donating plasma for eight weeks while



his body recuperated from the loss. The inmate contacted CA/O for assistance in receiving compensation for the money lost during the time he could not donate plasma. CA/O contacted prison officials and their investigation determined that five white inmates were involved. All were fired from their jobs. The leader of the group, who had actually carried out the plan, was placed in disciplinary detention for a year and lost a considerable amount of good conduct time. The other white inmates were transferred to other institutions. The institution offered to partially reimburse the inmate for his monetary loss and he accepted. Security was tightened at the plasma center subsequent to this incident.

\* \* \*

PHARMACY BILL PAID. Woman sought assistance in receiving payment for an outstanding pharmacy bill for diapers for her severely disabled 15-year-old daughter. The woman was currently receiving Title XIX assistance, but had initially been denied because of a mistake on her application. In the interim she had incurred the outstanding bill and was unable to pay it. CA/O contacted DHS and they agreed to an exception to policy and approved payment of the bill. DHS informed the pharmacy of the proper claim procedure to avoid future problems.

\* \* \*

SCHOOL ESTABLISHES GUIDELINES FOR CO-OP PROGRAM. Businessman complained he was being denied equal opportunity to participate in a high school cosmetology career co-op program and was unfairly restricted from receiving information and access to students. CA/O contacted the school and officials stated they were in the process of establishing objective written criteria for selecting businesses due to complaints they had received. Officials also stated that they did not give out the names and addresses of students with an aptitude or interest in a certain subject because they believed this information was confidential and also because disclosure would be a violation of students' privacy. However, the school made provisions for representatives to come to the school and talk with any student who wished to sign up and see them. CA/O believed this was a reasonable alternative and informed the citizen of this option. CA/O also followed up and reviewed the new selection process once it was established and found it to be satisfactory.

\* \* \*

FATHER ALLOWED TO PLEAD HIS CASE. Citizen complained that DHS and Child Support Recovery Unit (CSRU) were inaccurately crediting his child support payments and that they would not even review his records which he said would substantiate his



claim. CA/O reviewed the citizen's documentation and arranged a meeting with CSRU officials. Ultimately, it was determined there were some errors in CSRU's records and they were corrected.

\* \* \*

MAN CAN'T GET RID OF MARIJUANA. Citizen was concerned that several marijuana plants were growing wild in a ditch and along some railroad tracks near his home. Citizen had called several agencies, including the sheriff, the county board of supervisors and the Iowa State Patrol about eradicating the plants, but no one seemed to want to take any action. CA/O contacted the Department of Public Safety (DPS) and found that they were actually responsible for such problems, but that in all practicality unless someone was actually cultivating the plants and there was some criminal activity going on, they didn't have the manpower to offer assistance. CA/O passed this information on to the citizen and referred him to the DPS. As follow-up on this case, CA/O learned that a bill had been introduced this current legislative session which would amend the department's responsibility to only assist local authorities in identifying growing marijuana plants and educate them on methods of eradication.

\* \* \*

AUDIT APPEAL REQUEST AIDED. Businesswoman requested, in writing, an appeal of the result of a sales tax audit, but stated she did not receive any further information on pursuing the appeal process. Several months later, she received a notice dismissing her appeal because additional information was not submitted. Woman then contacted the Department of Revenue and Finance (DORF) and explained the situation and asked for the status of her case; she was told it would take some time to determine and they would get back to her. Two months later woman received a distress warrant and was informed her company was in revocation status. Distraught, the woman then contacted CA/O. CA/O contacted DORF, but the department contended a notice explaining the appeal procedure had been sent to the woman shortly after receipt of her request. However, given the continuing confusion of the situation and the meticulous records maintained by the woman, the department agreed, at CA/O request, to give the citizen a short time to present appeal information.

\* \* \*

SPECIAL EDUCATION, DAYCARE EXTENSION GRANTED. Mother of a six-year-old, retarded boy attending special school and daycare at county expense, moved to another county after being told by her DHS worker that the first county would bear the expense of continuing the daycare and transportation costs. After the move complainant was



informed that the first county would not continue the funding. Agency misinterpretation of new policy was cited. Complainant was told she needed to make other education and daycare arrangements in her new county of residence. CA/O suggested she appeal the decision and request an extension to give her more time to secure alternate services. A one-month extension was granted. A month later, when the deadline neared, CA/O discussed the matter again with DHS and sought a longer extension. A six-month extension was granted, providing continued services until the end of the school year. Complainant was pleased she was given sufficient time to make permanent plans.

\* \* \*

INMATE FEIGNS ILLNESS. Inmate at county jail complained that he had been denied psychiatric and medical attention. CA/O investigated and found that the sheriff took the inmate to see a doctor on numerous occasions including two trips to the hospital when the inmate feigned heart attacks. Health care professionals treating the inmate believed he was faking symptoms to gain the sympathy of jail staff.

\* \* \*

BUS DRIVER GETS PERMIT IN TIME FOR SCHOOL. Priest at a Parochial school was concerned that the school's only bus driver would not be able to get a school bus driver's permit before school started in the fall. The new driver had applied for a temporary permit at the end of January 1990 and had until August to complete a training course for a regular permit, but had not done so because he had not anticipated being employed. Subsequently, the driver was offered the position full-time when his father, who previously drove for the school, suffered a stroke. The driver was now willing to take the course to complete his training, but the next session was not scheduled until October which would leave the school without a bus driver for over a month. The Department of Education (DOE) was contacted and CA/O learned that the department had erred in assigning an expiration date on the permit. Because of the error and the other circumstances, the DOE agreed to grant the driver a permit for 1990-1991 school year and give him another six months to complete the required course.

\* \* \*

DON'T TALK TO ME UNTIL AFTER TEN. Citizen was upset that he had been treated rudely when he received what he believed to be an erroneous notice of a mandatory income withholding order from the Department of Human Service's Child Support Recovery Unit (CSRU) and attempted to call and correct the situation. Citizen was particularly concerned that he was told he could not speak to anyone until after 10 a.m. Both



concerns were echoed by a city payroll clerk who had also contacted the department for assistance on how to process the order. CA/O inquired into the citizen's situation and discovered that there had been a recent modification order and that the citizen was in fact current on his child support. The problem arose because the department had been unaware of the new order, and because the citizen had been unaware that it was his responsibility to provide CSRU with a copy of the new order. CA/O also discovered that the department was temporarily utilizing the first two hours of each day to input cases into a new tracking system. Concern about rudeness of employees was also brought to the attention of the appropriate authority.

\* \* \*

GUARD ROTATION DECREASES INMATE COMPLAINTS. Penitentiary inmate complained to CA/O that they were being harassed by correctional officers in a specific cellhouse. The allegations ranged from rough handling to threats to baiting inmates into physical confrontations with officers. Several inmates undertook hunger strikes to bring attention to their cause. CA/O coordinated efforts with the Federal Bureau of Investigation to investigate the complaints. Numerous interviews were conducted. It was determined that regular job-assignment rotation of officers might reduce cellhouse tensions. This was a recommendation which had been initially proposed by CA/O after a 1981 investigation at ISP. CA/O had previously recommended rotation. The Warden implemented such a rotation plan and inmate complaints immediately decreased. Not all officers agreed with rotation, however, and the officers' union sought arbitration by the Iowa Department of Personnel. CA/O testified at the arbitration hearing for the merits of rotation. The arbitrator found in favor of the rotation plan, which was expanded to include all correctional officers and counselors.

\* \* \*

DNR ACTIONS JUSTIFIED. A state senator contacted the CA/O and expressed concern that the Department of Natural Resources (DNR) was not dealing with two seemingly similar dam projects in a consistent and fair manner. The senator stated that DNR was imposing additional requirements for one project that it had not imposed on another. Upon review of numerous documents, the CA/O discovered that while the projects involved the same issue, there were distinct differences in circumstances between the projects. In the project that the senator's constituents were involved, there were documented written objections. Because of the objections, DNR had the responsibility to make sure the upstream landowners would not be adversely affected by the project, thereby justifying the additional requirements.

\* \* \*



STUDENTS LIVING IT UP ON UNIVERSITY MONEY. A student from the University of Iowa alleged that the officers of the Student Senate had improperly used university funds to purchase alcoholic beverages, obtain hotel rooms for unauthorized persons as well as for other extravagant purposes. CA/O contacted the University of Iowa and related the allegations to the Office of Student Affairs and they investigated the matter. The University's investigation

failed to substantiate the allegations, but the university did counsel student officers on the use of school funds. Subsequently, the CA/O received another complaint with additional information. This time, CA/O provided the State Auditor with the information and requested an investigation of the Student Senate's financial records. Ultimately, a critical audit was issued and the university was publicly criticized for conducting an inadequate internal audit.

\* \* \*

EXTENSION GIVEN FOR LATE FORMS. CA/O was contacted by a citizen complaining that his DHS income maintenance worker was being rude to him and his family and was requiring him to provide unnecessary documentation. Additionally, the citizen complained that he did not receive his monthly reporting form until two days before it was due and because he could not get the required documents in on time, his food stamps were cancelled. CA/O contacted the income maintenance worker and learned that her relationship with the citizen was strained, but she was not requiring unnecessary documentation. She stated the citizen had applied for a new program and she was not initially aware of all the information required so she had to go back to the citizen and ask for the required information. CA/O also learned that a large number of the monthly reporting forms had been misdirected and reached clients late. Due to this problem, DHS was granting waivers to forms turned in late for that month. The citizen was given this information and was instructed that if he quickly turned in his documentation and forms, his food stamps would be reinstated. It was also suggested to the citizen that in the future he keep the required monthly documentation readily accessible.

\* \* \*

SHERIFF HAS TO FOLLOW RULES TOO. A county civil service commission contacted the CA/O to determine whether a sheriff could refuse to select a deputy from the list of certified candidates offered by the commission. Apparently, the sheriff had a personal preference for the position, who was not among the candidates listed, so he refused to hire anyone. The sheriff indicated that he would not change his position or respond to the commission unless ordered to do



so by a competent authority. CA/O requested an Attorney General's Opinion on the subject. The Attorney General returned a formal written reply stating that the civil service commission was authorized to adopt rules necessary for the appointment or promotion of deputies and that the sheriff was required to follow those rules including choosing the most qualified candidate to fill the position from the list submitted by the commission. CA/O forwarded this information to the commission, noting that the Attorney General was a "competent authority" to make such a decision. As follow up on this matter CA/O learned that the Sheriff persists refusing to select a deputy from the list of certified candidates.

\* \* \*

CA/O COORDINATES AUDIO INMATE MANUAL. Inmate at a work release center complained he was being treated unfairly by prison officials regarding some disciplinary reports which began as a series of minor reports and escalated into major reports. The inmate contended that he was dyslexic and could not read and understand the restrictions that had been placed upon him. CA/O contacted prison officials and learned they did not provide audio versions of the inmate manual. Arrangements were made to have a counselor read any documents, memorandums or correspondence to the inmate at the inmate's request. CA/O further coordinated a tape recording of the inmate manual with the Department For the Blind and the recording is now available to inmates at the facility.

\* \* \*

PRIVATE TOLL BRIDGE CHARGES UNREGULATED. Nebraska citizen was caught at the mercy of the rising toll of one of the few privately owned toll bridges left in Iowa. The citizen used the bridge daily to cross into Iowa for work. He believed the increase in toll was unjustly enriching the private owner and restricting interstate commerce. The citizen contacted CA/O and complained. CA/O contacted the Department of Transportation (DOT) and found that the department has no control over privately owned toll bridges unless there was a major impediment of travel on a highway. Because there were other public bridges in the area (although not as close and convenient for the complainant) DOT did not see it as a major problem. Likewise, when CA/O contacted the Nebraska Ombudsman, it was learned the Nebraska Department of Roads has no control over the operation of private toll bridges or the tolls they charge. CA/O also discovered that the authority to operate such bridges was established under an old Nebraska statute that allowed private enterprise to recoup the cost of bonds for building the bridges by charging tolls. CA/O made further inquiries to the Federal Interstate Commerce Commission



(ICC) and was informed that the ICC only has jurisdiction over the carriers of commerce. Unfortunately, for complainant, it seemed his only recourse was to boycott the bridge or pay the toll.

\* \* \*

COMPUTER TESTING CAUSES SLOW-DOWN. Citizen contacted the CA/O and complained that the Collection Service Center (CSC) of DHS had not implemented her cost of living adjustment in her child support payments. CA/O contacted CSC and found that they were in the process of testing a new automatic computer program for computing the adjustment, but it had not yet been perfected. In the meantime, the center agreed to adjust the citizen's payments manually.

\* \* \*

NAVY SEEKS CA/O ASSISTANCE IN GETTING RECORDS. A representative from the U.S. Navy Liaison Office contacted the CA/O for assistance in securing the return of dental x-rays provided to the state medical examiner to aid in identifying a victim of the United Airlines crash in Sioux City. The dental x-rays, along with other records, were provided in July 1989. While most of the records had been returned, the medical examiner had retained the x-rays. The representative had made numerous requests to have the x-rays returned and had received promises that they would be returned, but had still not received them. CA/O intervened and continued to remind the medical examiner to return the x-rays. They were received by the complainant in May, 1990.

\* \* \*

CONFLICTING CHILD SUPPORT ORDERS CLARIFIED. Citizen contacted the CA/O distraught that CSRU was ruining him financially by taking his income tax refunds, garnishing 50 percent of his wages and 50 percent of his unemployment benefits. The citizen was entangled in a child support problem because he had stopped paying support when his ex-wife remarried and moved and he lost contact with his children. The children had ended up in foster care in another state and although authorities had been told by the mother that the father was dead, one of the children remembered his father lived in Iowa. The citizen was contacted and successfully gained custody of one of the children, but was still having to pay back child support, current child support and the cost of foster care. CA/O met with DHS's collection service center staff to sift through the maze of documents and discovered the citizen needed a modification to his divorce decree to change the support provisions. CA/O passed this information on to the citizen and his attorney and suggested he set up a reasonable payment schedule for the other reimbursement payments for



which he was still responsible.

\* \* \*

INMATE MAY DRESS AS HE WISHES. A transsexual at a community correctional facility complained to the CA/O that he was not being allowed to dress and act as a female. The inmate was involved in a therapy program with the eventual goal of undergoing a sex change operation. A requirement of that program was that the person cross dress for an extended period of time. The inmate stated he was becoming suicidal because he felt forced to deny his true feelings and that his progress in the program was being delayed. Upon contacting the facility, CA/O learned that the staff was aware of the resident's feelings and wishes and volunteered that he could use his female name and dress as he wished as long as the clothing was appropriate for the environment. CA/O passed the information on to the inmate and suggested that he meet with facility staff to determine what was considered appropriate apparel.

\* \* \*

DOMESTIC ABUSE VICTIM ASSISTED. A domestic abuse victim contacted CA/O seeking information on how to get an extension on a temporary injunction barring the batterer from entering the couple's residence, to allow her a chance to remove her belongings before he returned. The woman wanted to move, but she had only been allotted five days to obtain adequate housing for her and her young child as well as to arrange for all of her furniture to be moved. She had managed to find rental housing, but could not gain possession until a week after the temporary injunction expired. Additionally, the woman had suffered physical injuries and was scheduled for surgery. With only one working day left to arrange for the extension, the woman called CA/O. While CA/O does not have jurisdiction over the courts and cannot give legal advice, because of the immediacy of the situation and the woman's confusion, CA/O contacted the county attorney's office to connect the victim with someone who could possibly resolve her dilemma. Initially, the CA/O met with great hostility, but was able to arrange a meeting for the woman with a staff member in the county attorney's office. The meeting resulted in the woman being allowed to plead her case before a judge. Unfortunately, the judge did not grant an extension. A change in the incumbency of this county attorney's office resulted in a change of staff and the office currently is exhibiting a marked sensitivity toward victims of domestic abuse.

\* \* \*

POLICE AUDIO TAPE POLICY REVIEWED. Citizen complained that



the local police department had not responded appropriately to his complaint about an officer's conduct in dealing with his 17-year-old son. He alleged that the officer had used obscene language and unreasonable physical force against his son. He also stated that the police department had a communications tape which he believed contained evidence of the officer's alleged unprofessional behavior. The tape was part of the department's regular intake system and was scheduled to be reused within a few days. CA/O made immediate contact with the Chief of the department and obtained his agreement to hold the tape for review by the CA/O. When CA/O contacted the department to review the tape it was discovered that the tape had been reused by the communications center thereby destroying any potential evidence. CA/O requested that the Chief investigate the reuse of the tape and provide an explanation concerning that matter. At the Chief's direction the department's internal affairs officer investigated and concluded that the reuse of the tape was accidental and the result of a flaw in the department's policy concerning preservation of tapes for official review. At the suggestion of the CA/O the Chief directed that the policy be corrected. With regard to the citizen's allegation against the officer, the CA/O believed the Chief had responded appropriately to the citizen's complaint.

\* \* \*

UNDERGROUND STORAGE TANKS CREATE FINANCIAL BURDEN. Citizen complained to CA/O that DNR was being insensitive and unresponsive to his problems in dealing with soil contamination. The citizen was the administrator of his father's estate. The only prospective buyer of the property had required that an underground gas storage tank be removed. Upon removing the tank, it was tested for leaks and none were found. Soil contamination, however, was found. The citizen contended that because there were no leaks in his tank, the contamination must have seeped into the property from other leaky tanks in the area. DNR contended that contamination could have occurred in a variety of ways and the only conclusive way to determine the source of the contamination and liability for the clean-up was to conduct a site assessment. The site assessment, however, was very expensive and the citizen was unable to afford it. CA/O reviewed the problem with DNR and concluded department officials were responding to the serious environmental problem to the best of their ability under the limits of their authority and the constraints of the department's budget. CA/O conducted further research and discovered that bills were being filed to address this problem in the current legislative session. CA/O notified the complainant of the status.

\* \* \*



PARENT'S INCARCERATION DELAYS ADOPTION. Foster parent complained about the length of time it took to process children in her care for adoption. CA/O made inquiries into the case and learned that delay resulted because the father was incarcerated in a state prison and had not been appointed legal counsel at the initiation of the Child in Need of Assistance proceeding. Because rules of civil procedure require an attorney be appointed to protect the interests of an incarcerated person when an adverse action is initiated, the case had to be readjudicated. CA/O also noted that the delay in this case was an isolated incident and in general once DHS determines that families cannot be reunited, termination of parental rights and the adoptive process begin as quickly as possible.

\* \* \*

IMMEDIATE FAMILY CLASSIFICATION EXTENDED. Inmate at the Iowa Correctional Institution for Women (ICIW) asked CA/O to help her get her step-father considered as immediate family for visitation purposes. The practical effect of the classification is that there is "normally" not a criminal background check on immediate family but if there is a check, one visit is allowed before the check is completed. It did not guarantee visitation approval. CA/O reviewed the Department of Corrections (DOC) rules and confirmed they did not include step-parents as immediate family even though they were recognized by the Iowa Administrative Code as immediate family. CA/O contacted the department and apprised them of the inconsistency and asked them to make the necessary changes to reconcile the differences. After several months of debate and assistance from the CA/O in clarifying what the rule change would mean, DOC resolved the matter by making step-relatives immediate family and by specifying that everyone would be subject to criminal background investigations.

\* \* \*

CITIZEN IMPERSONATES CA/O. A county attorney called to inquire if CA/O was investigating the county sheriff. CA/O wasn't. Apparently, an unidentified person had just contacted the county attorney's office, claiming to be a member of CA/O staff and threatening to investigate the sheriff. Later the same day, CA/O did receive a complaint from a citizen who said the sheriff had falsified service of civil papers. CA/O investigated and discovered the civil papers had been served properly and that the person complaining was probably the same person who had fraudulently contacted the county attorney and portrayed herself as a member of CA/O staff. CA/O volunteered to assist in event of prosecution, but the county attorney declined to prosecute.

\* \* \*



INMATE BILLED FOR SURGERY. Prison inmate complained he was being billed \$11,000 by University Hospital for surgery he had while awaiting trial in a county jail. Jail personnel had presented his insurance card for payment though he had told them the coverage was no longer in effect. The Department of Corrections paid for the part of the bill which applied to medical services rendered during his incarceration in the prison system. CA/O asked hospital administration to research the funding of this case and learned that the county had refused to pay the bill because the inmate had been uncooperative, refusing to fill out paperwork. CA/O urged the inmate to apply retroactively. He did so and the county agreed to pay the bill.

\* \* \*

CA/O QUESTIONS COUNCIL'S CLOSED SESSION. Citizen claimed that the city council did not follow the open meetings law when it convened in closed sessions. CA/O noted the minutes of a meeting did not indicate who voted for or against the closed session, what the reason was for the closed session, and if final action was taken in an open meeting. CA/O made an inquiry to city officials, and the city attorney replied that the closed session was to discuss personnel matters related to an employee and that the results were reported in the subsequent council meeting. He acknowledged that the council had inadvertently breached the requirements of the open meetings law by not announcing the votes of the members and the purpose for the closed session. He assured CA/O that the council was made fully aware of these requirements and would comply with the law.

\* \* \*

FINE PAID, BUT LICENSE STILL SUSPENDED. Man complained that his son's driver's license had been inappropriately suspended and it was clouding his driving record. His son had failed to pay a speeding ticket and had received a notice from DOT stating that if he didn't pay the fine within 30 days his license would be suspended. The fine was paid to the clerk of court three days before the suspension deadline, but DOT suspended the driver's license anyway. CA/O contacted DOT and learned that the department did not receive confirmation of the payment from the clerk of court until quite some time after the deadline. DOT's policy is to enter the suspension if the clerk's notice to DOT is not received and processed by the deadline. After CA/O brought the problem to DOT's attention, DOT agreed to expunge the suspension in this one case. However, CA/O is concerned that the existing notification and processing system can create similar problems and continues to review with DOT options for improvements or changes.

\* \* \*



USE OF "GATE" MONEY QUESTIONED. A parolee from ICIW complained to CA/O that the institution had charged her an excessive amount for a death bed visit to see her husband when she was still incarcerated and had taken her gate money to pay the balance owed on that debt. The prison superintendent explained to CA/O that the cost of the visit was justified because the institution had no history on the complainant so heightened security had to be used in escorting her. The superintendent further contended that the complainant had agreed to use her gate money to pay for the trip. A review of the form signed by the complainant revealed, however, that it did not specify the use of gate money in satisfying the debt. Subsequently, ICIW changed the form to specifically state gate money may be used to satisfy a debt so, in the future, inmates are at least aware of the possibility. CA/O continued to question the DOC policy which could potentially leave a paroled inmate without enough money to even make a phone call. Therefore, CA/O made a legislative recommendation for clarification on the use of gate money.

\* \* \*

COUNCILMAN CAN KEEP HORSES, BUT CLERK HAS TO OPEN RECORDS. Citizen in a small town alleged the city council was failing to enforce an ordinance prohibiting the housing of large animals within the city limits because it would adversely affect a councilman. Citizen further complained to CA/O that the city clerk would not provide a copy of the ordinance in question. CA/O questioned the councilman on the allegations and he contended that the small portion of the property where the horses were housed was actually outside city limits and therefore not subject to the ordinance. CA/O inspected copies of the councilman's warranty deed and tax assessment and talked with officials in the county auditor's office, recorder's office and assessor's office, but received conflicting reports. CA/O finally secured an authoritative response from the county zoning director who used aerial maps and the legal description of the property as well as the legal description of the parameters of the city to determine that the small section of land was indeed outside the city limits. While the citizen's first complaint turned out to be unfounded, the complaint about accessing city records was valid. The city clerk was apparently unaware of all of her duties and responsibilities and had neglected to allow the complainant to see the city ordinances in a timely manner. CA/O informed the clerk of this obligation and referred her to the Iowa League of Municipalities for further assistance if needed.

\* \* \*

INSURANCE INVESTIGATION EXAMINED. The head of an insurance agency contacted CA/O because he was dissatisfied with the



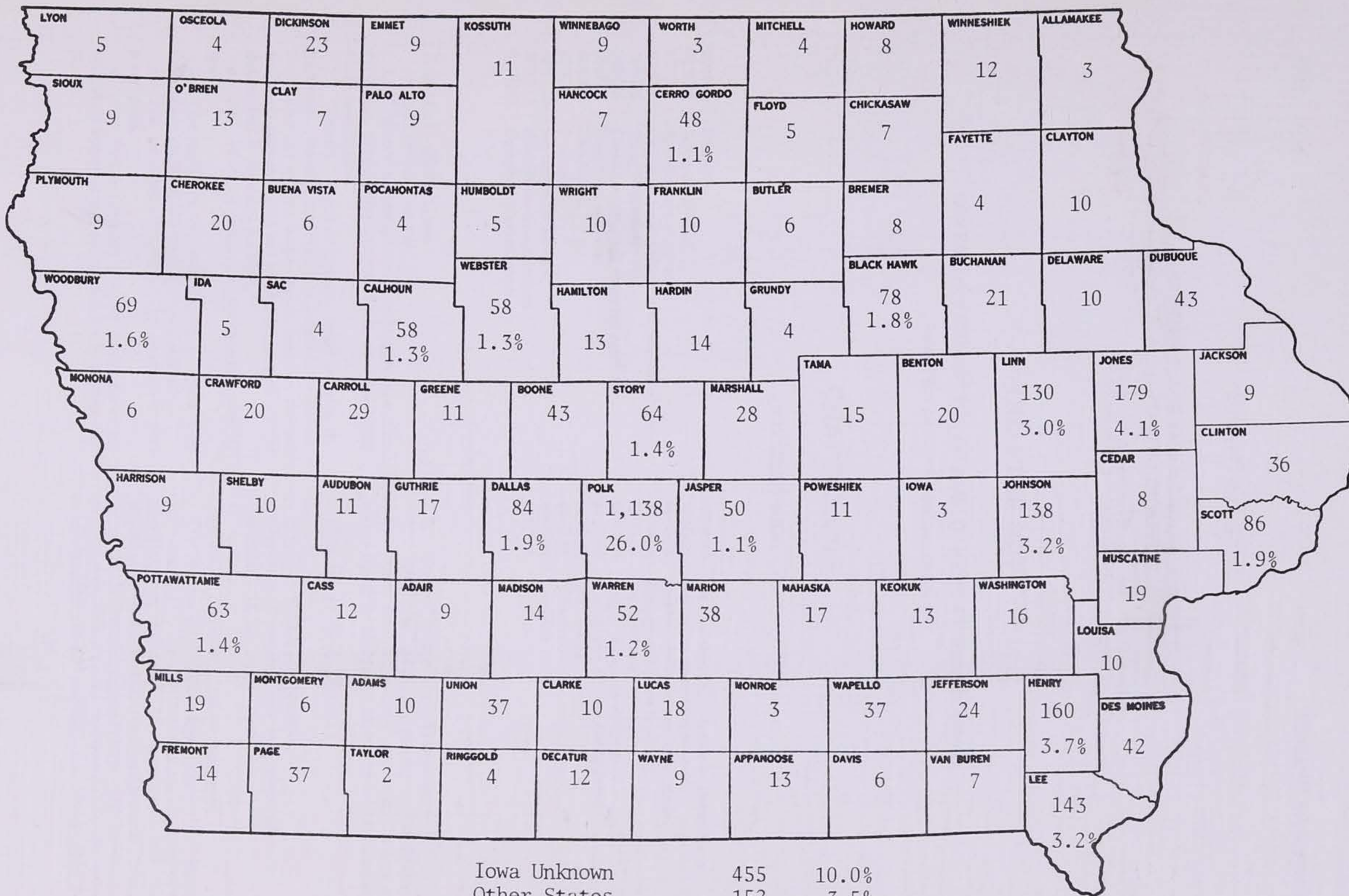
Insurance Division's investigation of another insurance agent. Among other things, the citizen alleged that the division had not pursued his complaints that the agent was misrepresenting her credentials and was stealing clients away from his agency. Apparently, the people in the two agencies had worked together, but one of the agents had left and started her own agency. As a result, the agents had resorted to mudslinging. CA/O visited the Insurance Division, examined their records on the case and talked with an investigator. CA/O concluded that the complaints had been adequately addressed. However, CA/O did make recommendations on how the division could better handle similar situations in the future.

\* \* \*

OUT-OF-STATE SENTENCE DELAYS WORK RELEASE. Inmate requested assistance to confirm an Illinois criminal charge he believed was to run concurrent with his Iowa sentence. Iowa prison officials had been unable to obtain information from Illinois. They could not, therefore, tell the inmate when he might be eligible for work release. CA/O contacted the Illinois Inmate Advocate Office, a division of the Illinois Department of Corrections. That office contacted the Illinois sentencing court and obtained a certified copy of the sentencing order. It was determined that the sentence had been running concurrently - as the inmate suspected - and Illinois wanted no further time from him. With this information Iowa prison officials were able to recommend the inmate for work release without further delay.



1990 CONTACTS BY COUNTY



Iowa Unknown 455 10.0%  
 Other States 152 3.5%  
 District of Columbia 4  
 Foreign Countries 2  
 Unknown 2

For counties reflecting contact count without percentage figure the percentage was less than one percent.



## CHAPTER 601E

DISTRESS FLAGS AND IDENTIFICATION DEVICES  
FOR HANDICAPPED

Chapter repealed effective January 1, 1990;  
89 Acts, ch 247, § 20, 21; see ch 321L

## CHAPTER 601F

## GOVERNOR'S COMMITTEE ON EMPLOYMENT OF HANDICAPPED

Repealed by 86 Acts, ch 1245, § 1265; see § 601K.71 et seq.

## CHAPTER 601G

## CITIZENS' AIDE

601G.1	Definitions.	601G.13	No investigation — notice to complainant.
601G.2	Office established.	601G.14	Institutionalized complainants.
601G.3	Appointment — vacancy.	601G.15	Reports critical of agency or officer.
601G.4	Citizen of United States and resident of Iowa.	601G.16	Recommendations to agency.
601G.5	Term — removal.	601G.17	Publication of conclusions.
601G.6	Deputy — assistant for penal agencies.	601G.18	Report to general assembly.
601G.7	Prohibited activities.	601G.19	Disciplinary action recommended.
601G.8	Closed files.	601G.20	Immunities.
601G.9	Powers.	601G.21	Witnesses.
601G.10	No charge for services.	601G.22	Penalties.
601G.11	Subjects for investigations.	601G.23	Citation.
601G.12	Complaints investigated.		

**601G.1 Definitions.**

As used in this chapter:

1. "Person" means an individual, aggregate of individuals, corporation, partnership, or unincorporated association.

2. "Agency" means all governmental entities, departments, boards, commissions, councils or institutions, and any officer, employee or member thereof acting or purporting to act in the exercise of official duties, but it does not include:

a. Any court or judge or appurtenant judicial staff.

b. The members, committees, or permanent or temporary staffs of the Iowa general assembly.

c. The governor of Iowa or the governor's personal staff.

d. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.

3. "Officer" means any officer of an agency.

4. "Employee" means any employee of an agency.

5. "Administrative action" means any policy or action taken by an agency or failure to act pursuant to law.

[C73, 75, 77, 79, 81, §601G.1]

**601G.2 Office established.**

The office of citizens' aide is established.

[C73, 75, 77, 79, 81, §601G.2]

**601G.3 Appoint. ut — vacancy.**

The citizens' aide shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appoint-



ment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation.

The citizens' aide shall employ and supervise all employees under the citizens' aide's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of the citizens' aide.

[C73, 75, 77, 79, 81, §601G.3]

**601G.4 Citizen of United States and resident of Iowa.**

The citizens' aide shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration and public policy.

[C73, 75, 77, 79, 81, §601G.4]

**601G.5 Term — removal.**

The citizens' aide shall hold office for four years from the first day in July of the year of approval by the senate and the house of representatives, and until a successor is appointed by the legislative council, unless the citizens' aide can no longer perform the official duties, or is removed from office. The citizens' aide may at any time be removed from office by constitutional majority vote of the two houses of the general assembly or as provided by chapter 66. If a vacancy occurs in the office of citizens' aide, the deputy citizens' aide shall act as citizens' aide until the vacancy is filled by the legislative council.

[C73, 75, 77, 79, 81, §601G.5]

**601G.6 Deputy — assistant for penal agencies.**

The citizens' aide shall designate one of the members of the staff as the deputy citizens' aide, with authority to act as citizens' aide when the citizens' aide is absent from the state or becomes disabled. The citizens' aide may delegate to members of the staff any of the citizens' aide's authority or duties except the duty of formally making recommendations to agencies or reports to the governor or the general assembly.

The citizens' aide shall appoint an assistant who shall be primarily responsible for investigating complaints relating to penal or correctional agencies.

[C73, 75, 77, 79, 81, §601G.6]

84 Acts, ch 1046, §1

**601G.7 Prohibited activities.**

Neither the citizens' aide nor any member of the staff shall:

1. Hold another public office of trust or profit under the laws of this state other than the office of notary public.
2. Engage in other employment for remuneration with an agency against which a complaint may be filed under this chapter or that could create a con-

flict of interest or interfere in the performance of the person's duties under this chapter.

3. Knowingly engage in or maintain any business transactions with persons employed by agencies against whom complaints may be made under the provisions of this chapter.

4. Be actively involved in partisan affairs.

[C73, 75, 77, 79, 81, §601G.7]

84 Acts, ch 1046, §2

**601G.8 Closed files.**

The citizens' aide may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before the citizens' aide, except that the general assembly, any standing committee of the general assembly or the governor may require disclosure of any matter and shall have complete access to the records and files of the citizens' aide. The citizens' aide may conduct private hearings.

[C73, 75, 77, 79, 81, §601G.8]

**601G.9 Powers.**

The citizens' aide may:

1. Investigate, on complaint or on the citizens' aide's own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that the citizens' aide shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency. A communication or receipt of information made pursuant to the powers prescribed in this chapter shall not be considered an ex parte communication as described in the provisions of section 17A.17.

2. Prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, determine the form, frequency, and distribution of the conclusions and recommendations of the citizens' aide.

3. Request and receive from each agency assistance and information as necessary in the performance of the duties of the office. Notwithstanding section 22.7, pursuant to an investigation the citizens' aide may examine any and all records and documents of any agency unless its custodian demonstrates that the examination would violate federal law or result in the denial of federal funds to the agency. Confidential documents provided to the citizens' aide by other agencies shall continue to maintain their confidential status. The citizens' aide is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the agency. The citizens' aide may enter and inspect premises within any agency's control and may observe proceedings and attend hearings, with the consent of the interested party, including those held under a provision of confidentiality, conducted by any agency unless the agency demonstrates that the attendance or observation would violate federal law



or result in the denial of federal funds to that agency. This subsection does not permit the examination of records or access to hearings and proceedings which are the work product of an attorney under section 22.7, subsection 4, or which are privileged communications under section 622.10.

4. Issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry. The citizens' aide, deputies, and assistants of the citizens' aide may administer oaths to persons giving testimony before them. If a witness either fails or refuses to obey a subpoena issued by the citizens' aide, the citizens' aide may petition the district court having jurisdiction for an order directing obedience to the subpoena. If the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey the court order is subject to punishment for contempt.

5. Establish rules relating to the operation, organization, and procedure of the office of the citizens' aide. The rules are exempt from chapter 17A and shall be published in the Iowa administrative code.

[C73, 75, 77, 79, 81, §601G.9; 82 Acts, ch 1026, §1] 88 Acts, ch 1247, §1; 89 Acts, ch 296, §78

#### **601G.10 No charge for services.**

No monetary or other charge shall be levied upon any person as a prerequisite to presentation of a complaint to the citizens' aide.

[C73, 75, 77, 79, 81, §601G.10]

#### **601G.11 Subjects for investigations.**

An appropriate subject for investigation by the office of the citizens' aide is an administrative action that might be:

1. Contrary to law or regulation.
2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
3. Based on a mistake of law or arbitrary in ascertainment of fact.
4. Based on improper motivation or irrelevant consideration.

5. Unaccompanied by an adequate statement of reasons. The citizens' aide may also be concerned with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

[C73, 75, 77, 79, 81, §601G.11]

#### **601G.12 Complaints investigated.**

The citizens' aide may receive a complaint from any source concerning an administrative action. The citizens' aide shall conduct a suitable investigation into the administrative actions complained of unless the citizens' aide finds substantiating facts that:

1. The complainant has available another remedy or channel of complaint which the complainant could reasonably be expected to use.
2. The grievance pertains to a matter outside the citizens' aide power.

3. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.

4. The complaint is trivial, frivolous, vexatious, or not made in good faith.

5. Other complaints are more worthy of attention.

6. The citizens' aide resources are insufficient for adequate investigation.

7. The complaint has been delayed too long to justify present examination of its merit.

The citizens' aide may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time.

[C73, 75, 77, 79, 81, §601G.12]

#### **601G.13 No investigation — notice to complainant.**

If the citizens' aide decides not to investigate, the complainant shall be informed of the reasons for the decision. If the citizens' aide decides to investigate, the complainant and the agency shall be notified of the decision. After completing consideration of a complaint, whether or not it has been investigated, the citizens' aide shall without delay inform the complainant of the fact, and if appropriate, shall inform the administrative agency involved. The citizens' aide shall on request of the complainant, and as appropriate, report the status of the investigation to the complainant.

[C73, 75, 77, 79, 81, §601G.13; 82 Acts, ch 1026, §2]

#### **601G.14 Institutionalized complainants.**

A letter to the citizens' aide from a person in a correctional institution, a hospital, or other institution under the control of an administrative agency shall be immediately forwarded, unopened to the citizens' aide by the institution where the writer of the letter is a resident. A letter from the citizens' aide to such a person shall be immediately delivered, unopened to the person.

[C73, 75, 77, 79, 81, §601G.14]

#### **601G.15 Reports critical of agency or officer.**

Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the citizens' aide shall consult with that agency, officer or employee, and shall attach to every report sent or made under the provisions of this chapter a copy of any unedited comments made by or on behalf of the officer, employee, or agency:

[C73, 75, 77, 79, 81, §601G.15]

#### **601G.16 Recommendations to agency.**

If, having considered a complaint and whatever material the citizens' aide deems pertinent, the citizens' aide finds substantiating facts that:

1. A matter should be further considered by the agency;
2. An administrative action should be modified or canceled;



3. A rule on which an administrative action is based should be altered;

4. Reasons should be given for an administrative action; or

5. Any other action should be taken by the agency, the citizens' aide shall state the recommendations to the agency. If the citizens' aide requests, the agency shall, within twenty working days notify the citizens' aide of any action taken on the recommendations or the reasons for not complying with them.

If the citizens' aide believes that an administrative action has occurred because of laws of which results are unfair or otherwise objectionable, the citizens' aide shall notify the general assembly concerning desirable statutory change.

[C73, 75, 77, 79, 81, §601G.16]

#### **601G.17 Publication of conclusions.**

The citizens' aide may publish the conclusions, recommendations, and suggestions and transmit them to the governor, the general assembly or any of its committees. When publishing an opinion adverse to an administrative agency or official the citizens' aide shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media or others who may be concerned.

[C73, 75, 77, 79, 81, §601G.17]

#### **601G.18 Report to general assembly.**

The citizens' aide shall by April 1 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the citizens' aide functions during the preceding calendar year. In discussing matters with which the citizens' aide has been concerned, the citizens' aide shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

[C73, 75, 77, 79, 81, §601G.18; 82 Acts, ch 1026, §3]

#### **601G.19 Disciplinary action recommended.**

If the citizens' aide believes that any public offi-

cial, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, the citizens' aide shall refer the matter to the appropriate authorities.

[C73, 75, 77, 79, 81, §601G.19]

#### **601G.20 Immunities.**

No civil action, except removal from office as provided in chapter 66, or proceeding shall be commenced against the citizens' aide or any member of the staff for any act or omission performed pursuant to the provisions of this chapter unless the act or omission is actuated by malice or is grossly negligent, nor shall the citizens' aide or any member of the staff be compelled to testify in any court with respect to any matter involving the exercise of the citizens' aide's official duties except as may be necessary to enforce the provisions of this chapter.

[C73, 75, 77, 79, 81, §601G.20]

#### **601G.21 Witnesses.**

A person required by the citizens' aide to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, provides oral or documentary information requested by the citizens' aide shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned.

[C73, 75, 77, 79, 81, §601G.21]

#### **601G.22 Penalties.**

A person who willfully obstructs or hinders the lawful actions of the citizens' aide or the citizens' aide's staff, or who willfully misleads or attempts to mislead the citizens' aide in the citizens' aide's inquiries, shall be guilty of a simple misdemeanor.

[C73, 75, 77, 79, 81, §601G.22]

#### **601G.23 Citation.**

This chapter shall be known and may be cited as the "Iowa Citizens' Aide Act".

[C73, 75, 77, 79, 81, §601G.23]



