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REPORT TO

THE SEVENTY-THIRD IOWA GENERAL ASSEMBLY

AND

THE GOVERNOR OF IOWA

1988 ANNUAL REPORT

BY THE IOWA CITIZENS' AIDE/OMBUDSMAN

STATE OF IOWA



CITIZENS' AIDE OFFICE  
CAPITOL COMPLEX  
DES MOINES, IOWA 50319  
(515) 281-3592

WILLIAM P. ANGRICK II  
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

April 3, 1989

It is my privilege to present the Annual Report for the office of the Citizens' Aide/Ombudsman for calendar year 1988. This past year was one of change, challenge and accomplishment.

One of the significant changes experienced was the move to our new handicapped accessible office located at 215 East 7th Street in Des Moines. During the year we also installed a telecommunications device for the deaf (TDD) machine which allows the Ombudsman to communicate directly by telephone with persons who are deaf. Our new headquarters and equipment allow us to better serve all clients with dignity and respect.

Certain administrative issues continued to be heard by the Ombudsman in 1988, and some of those merit comment at this time.

We received complaints and inquiries regarding the operation of a centralized collection support center and a child support recovery unit within the Department of Human Services. These issues included disagreements over the amounts owed and where the payments are to be made, delays and inaccuracies in the payments being processed, and questions concerning the timing and coordination of payments received and disbursed.

Despite complaints concerning child support collections, the Citizens' Aide/Ombudsman remains convinced that a centralized collection support office and child support recovery unit are both cost effective and a responsible way to deal with the problem of maintaining uniformity and strengthening enforcement efforts in collecting child support.

Complaints concerning child protective investigations and the manner in which abuse and neglect allegations are determined to be founded, unfounded or undetermined were received during the year. We are interested in the potential for inconsistency in how these determinations are made and are selectively monitoring the manner in which certain child abuse and neglect investigations are performed.

A decrease was noted in the number of complaints about delays on the part of civil rights investigations in 1988. However, a new concern about civil rights enforcement has surfaced. An administrative process enabling the internal hearing officer of the Civil Rights Commission to consider cases and reach "no probable cause" determinations without opposing parties having the opportunity to rebut the others' evidence concerns the Ombudsman. We will monitor its impact, offering comment if appropriate.



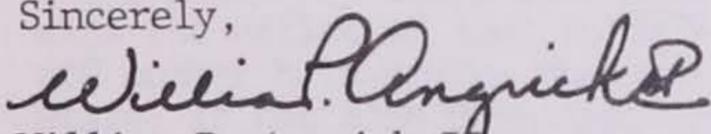
To assure that all institutionalized persons within the state have access to the Citizens' Aide/Ombudsman, we implemented regular trips to the State Training School, the Iowa Juvenile Home, the state hospital-schools, the Iowa Veteran's Home and the mental health institutes, while maintaining regular contact with inmates and staff of the state correctional institutions and facilities.

Complaints and inquiries are received and investigated from across the state and beyond Iowa's borders. These contacts come from a cross section of citizens spanning all socio-economic strata. In 1988 we received nearly 6,000 contacts, more than any year in our 19-year history. Less than 100 cases were carried over into 1989 -- an indication of the importance we place on timely resolution.

It is not uncommon for state and local administrators to contact the Citizens' Aide/Ombudsman for guidance or comment concerning the development of policies and procedures. In 1988, for example, Ombudsman staff made a presentation before the Law Enforcement Academy's jail administrator school, spoke to child protective service workers being trained by the Department of Human Services, and appeared before supervisory staff meetings at the Iowa Men's Reformatory and the Woodward State Hospital/School.

We welcome questions, comments and suggestions concerning our office and the manner in which we perform our duties and responsibilities.

Sincerely,

  
William P. Angrick II

WPA:jg

ANNUAL REPORT NARRATIVE

Nineteen eighty-eight was another record year for the number of complaints and requests brought to the Citizens' Aide/Ombudsman. During the calendar year the office of Citizens' Aide/Ombudsman received 5,900 contacts from individuals with complaints or requests for information. These contacts were received from each of the 99 Iowa counties and 40 other states including the District of Columbia. A map illustrating the geographic distribution of the contacts originating from Iowa is included elsewhere in this report. For comparative purposes a table of the number of annual contacts since 1971 is presented below:

CITIZENS' AIDE/OMBUDSMAN TOTAL CONTACTS

1988 - 5,900	1979 - 4,458
1987 - 5,668	1978 - 2,838
1986 - 5,231	1977 - 2,733
1985 - 4,471	1976 - 2,597
1984 - 3,660	1975 - 2,624
1983 - 4,330	1974 - 2,262
1982 - 3,512	1973 - 1,199
1981 - 3,846	1972 - 1,934
1980 - 4,237	1971 - 1,185

Individuals may contact the office in any manner they find comfortable and convenient: by telephone, mail or in person. In order to facilitate contact with the office an Iowa In-WATS line was installed in 1985. Not only has this 800 number helped make the office more available to citizens throughout the state, it has also been less costly to operate than the previous policy of accepting in-state collect calls. In 1988, with the move to the Ombudsman's new quarters, a Telecommunications Device for the Deaf (TDD) line was added, extending the services of the office directly to deaf Iowans. Flexibility is sought and there are no required forms to complete. However, written complaints may be requested when the issues are unusually complicated or sensitive. During 1988 contacts were initiated with the office in the following proportions:

Source	Total	Percent
Telephone	4,587	78%
Institutional Visit	611	10%
Mail	486	8%
Office Visit	104	2%
Other (open cases)	87	1%
Self-Initiated	23	less than 1%
Site Visit	2	less than 1%
	<u>5,900</u>	<u>99%*</u>

\*% not equal to 100% due to rounding error

Contacts are received and investigated by individual staff members who, on a rotation basis, intake and work the case to completion. In calendar year 1989 the office will experiment with a procedure assigning complaint intake duties to one assistant for a month at a time and in-depth inquiry, including field and site investigation, of complaints to other professional staff. Contacts

from inmates of the Iowa correctional system are routinely assigned to the statutorily mandated Assistant for Corrections and other staff members who have been assigned specific institutions. Staff responsible for correctional and other institutional complaints regularly travel to the institutions or facilities to receive, investigate, and resolve those matters.

If the problem is jurisdictional and requires inquiry by the Ombudsman, arrangements are made to secure the necessary documentation, identify and speak with the responsible officials, review appropriate law, rule or regulation and interview relevant participants and witnesses. Cases are routinely worked by telephone or mail, and occasionally by site investigation.

If the Citizens' Aide/Ombudsman cannot help the individual, a referral is made when possible. Many times the person needs to be put in contact with the agency or official having jurisdiction to review and resolve the matter, such as the Attorney General's Consumer Protection Division, the Insurance Division of the Department of Commerce, or the Labor Services Division of the Department of Employment Services. Other times the referral is made to a non-governmental entity such as Home, Inc. (which mediates landlord/tenant disputes) or Legal Services of Iowa, Inc. (which provides legal representation to low-income persons).

In 1988, approximately 25 percent of the 1,845 jurisdictional complaints received were found to be justified or partially justified; 49 percent were determined not justified; and 26 percent were either referred, withdrawn, or there was no basis to evaluate the merits of the complaint. Non-jurisdictional complaints accounted for 1,173 of the contacts received in 1988. Jurisdictional and non-jurisdictional information requests numbered 2,740 during the year.

Of the 5,900 contacts received in 1988, almost 99 percent were completed and closed during that year. Eighty-seven cases remained open and under investigation into 1989.

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 96 percent of the contacts were completed in 60 days or less. The average length of time that a contact remained open during 1988 was slightly more than six days.

<u>Days Open</u>	<u>Number of Contacts</u>	<u>Percent</u>
10 days or less	5,111	87%
11 - 30 days	381	6%
31 - 60 days	195	3%
61 - 90 days	81	1%
91 - 180 days	34	less than 1%
181 days or more	11	less than 1%
Remained open into 1989	87	1%
	<u>5,900</u>	<u>98%*</u>

\*% not equal to 100% due to rounding

The range of contacts with the office continues to be quite varied. Issues requiring investigation have involved minor local offices to the directors and policies of the large state agencies.

The greater proportion of contacts deal with those agencies and levels of government most directly involved in providing services to or regulating or controlling behavior of large numbers of citizens. Approximately 21.4 percent of the 1988 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 (9.2 percent); the Department of Employment Services (2.9 percent); the Department of Transportation (2.5 percent); the Department of Revenue and Finance (1.4 percent); and the Department of Commerce (1.0 percent). Municipal and county governments each accounted for over four percent of the 1988 contacts and 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 during 1988 are 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 arbitrary, capricious, 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 1988 the office of Citizens' Aide/Ombudsman released one critical report:

88-1, Investigation of the Discharge of a Firearm in the Line of Duty by an Officer of the Carlisle Police Department

Pursuant to Iowa Code Section 601G.16 the Citizens' Aide/Ombudsman is mandated to notify the General Assembly whenever objectionable administrative consequences can be traced to the need for change in legislation. Accordingly, in January 1988 six legislative recommendations (LR) were made to the Iowa General Assembly pursuant to Iowa Code Section 601G.

- LR 88-1 Proposal to amend Iowa Code Section 601G.9(3), Powers, to further clarify access by the citizens' aide/ombudsman to information confidential by Iowa law and to explicitly state that the citizens' aide/ombudsman may observe all proceedings and attend all hearings conducted by any governmental agency or board. (This proposal was acted upon by the General Assembly in 1988 and became law on July 1, 1988).
- LR 88-2 Proposal to amend the Sexual Abuse Code, Section 709.1, expanding the definition to include those acts by any person acting in a capacity for the custodial or institutional authority of the state upon any individual who is in the custodial care or institutional control of the state. (This issue was not formally addressed by the General Assembly in 1988. The recommendation was resubmitted in 1989 and it gained support from the Department of Corrections, the Commission on the Status of Women and the Iowa Corrections Association. Several bill drafts remain before the Iowa Legislature).

- LR 88-3 Proposal to reassign the responsibility of the Board of Parole to notify inmates of the imposition of a mandatory minimum sentence at Iowa Code Section 906.5 from the board to the appropriate court under Iowa Code Section 901.10 at the time of sentencing. (The General Assembly did not act upon this recommendation in 1988).
- LR 88-4 Proposal to amend Iowa Code Section 910A.9. Iowa Code Section 910A.9 requires that the Department of Corrections (DOC) notify victims and witnesses when an inmate is relocated to a community corrections facility, furloughed, escaped, or is recommended for parole. It does not, however, provide for notice when the offender expires a sentence. (This issue was not formally addressed by the General Assembly in 1988. The recommendation was resubmitted in 1989 and it gained support from the Department of Corrections and several victims' rights organizations in the state. The recommendation is progressing as part of a more general victims' rights bill).
- LR 88-5 Proposal to create a one-stop employee rights information office in the Division of Labor, Department of Employment Services. (This issue was not formally addressed by the General Assembly in 1988. The recommendation was resubmitted in 1989 and has received favorable agency and legislative committee response. The current bill draft would place the service at the department rather than division level).
- LR 88-6 Proposal to amend Iowa Code Section 455B.309 to reinsert the groundwater fund created by tonnage fees imposed on sanitary landfill operators, the provision that would allow the Department of Natural Resources to use a portion of the monies to grant funds to public water supply systems. The act should be retroactive to accommodate those who would have qualified for this assistance if the 1987 legislation had not struck that provision. (A modification of this recommendation was legislated into law in 1988 as part of amendment to the Groundwater Protection Act).

#### BUDGET

The office of Citizens' Aide/Ombudsman employs seven investigative (including the director) and three clerical staff.

During Fiscal Year 1987-88 the total state appropriation for operation of the office of Citizens' Aide/Ombudsman was \$389,761.

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STAFF

William P. Angrick II	Citizens' Aide/Ombudsman
Ruth L. Mosher	Deputy Citizens' Aide/Ombudsman - special assignment to Iowa Correctional Institution for Women
Michael K. Elliott	Legal Counsel
Clarence Key, Jr.	Assistant for Corrections
Randy A. Meline	Assistant II - special assignments to Iowa Men's Reformatory and Iowa Medical and Classification Center
James Peterson	Assistant II - special assignments to State Training School, Iowa Juvenile Home, State Hospital- Schools at Glenwood and Woodward, and the Mental Health Institute at Independ- ence
Michael J. Ferjak	Assistant II - special assignments to the Iowa Veteran's Home and North Central Correctional Facility
Judith L. Green	Executive Secretary
Patricia Nett	Administrative Secretary

FORMER STAFF

Susan E. Voss	Legal Counsel until September, 1988
Karla D. Wilson	Secretary until February, 1989

1988  
CITIZENS' AIDE/OMBUDSMAN  
CONTACT STATISTICS

JURISDICTIONAL AGENCIES, DEPARTMENTS AND OFFICES	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACT
State of Iowa (general)	264	4.5%
- Iowa Law/Bill Status	[151]	[ 2.6%]
- Governmental Financial Assistance	[ 11]	[ 0.2%]
- Open Meetings/Public Records	[ 4] less than	[ 0.1%]
Attorney General	32	0.9%
- including Consumer Advocate office and Prosecuting Attorneys Training Coordinator office		
Auditor of State	3 less than	0.1%
Secretary of State	8 less than	0.1%
- including Notaries Public		
Treasurer of State	4 less than	0.1%
Department of Agriculture & Land Stewardship	17	0.3%
Office of Citizens' Aide/Ombudsman	51	0.9%
Civil Rights Commission	37	0.6%
Department of Commerce	59	1.0%
- Alcoholic Beverage Division	[ 3] less than	[ 0.1%]
- Banking Division	[ 4] less than	[ 0.1%]
- Engineering Division	[ 1] less than	[ 0.1%]
- Insurance Division	[ 19]	[ 0.3%]
- Professional Licensing & Regulation Division	[ 1] less than	[ 0.1%]
- Racing and Gaming Division	[ 4] less than	[ 0.1%]
- Real Estate Division	[ 3] less than	[ 0.1%]
- Savings and Loan Division	[ 1] less than	[ 0.1%]
- Utilities Division	[ 22]	[ 0.4%]
Department of Corrections	1,192	20.2%
- Community Services Division	[142]	[ 2.4%]
-- Community Based Corrections	( 58)	( 1.0%)
-- Parole and Probation	( 40)	( 0.7%)
-- Work Release	( 36)	( 0.6%)

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

- Institutions Division	[1,030]	[17.5%]
-- Iowa State Penitentiary, John Bennett Correctional Center, and Farms	(263)	( 4.5%)
-- Iowa Men's Reformatory and Luster Heights Facility	(265)	( 4.5%)
-- Medium Security Unit - Mount Pleasant	(141)	( 2.4%)
-- Iowa Correctional Institution for Women - Mitchellville	(126)	( 2.1%)
-- Correctional Treatment Unit - Clarinda	( 31)	( 0.5%)
-- North Central Correctional Facility - Rockwell City	(100)	( 1.7%)
-- Iowa Medical & Classification Center - Oakdale	( 84)	( 1.4%)
-- Riverview Release Center - Newton	( 11)	( 0.2%)
- Prison Industries Division	[ 1] less than	[ 0.1%]
Board of Parole	72	1.2%
Department of Cultural Affairs	3 less than	0.1%
Department of Economic Development	45	0.8%
Department of Education	19	0.3%
- Area Schools Division	[ 6]	[ 0.1%]
- Vocational Rehabilitation	[ 6]	[ 0.1%]
College Aid Commission	4 less than	0.1%
Department of Elder Affairs	7	0.1%
- including Nursing Home Ombudsman		
Department of Employment Services	170	2.9%
- Industrial Services Division	[ 22]	[ 0.4%]
- Job Service Division	[ 68]	[ 1.2%]
- Labor Services Division	[ 72]	[ 1.2%]
Department of General Services	6	0.1%
Department of Human Rights	12	0.2%
- Blind Services Division	[ 3] less than	[ 0.1%]
- Children, Youth & Families Division	[ 3] less than	[ 0.1%]
- Community Action Agency Division	[ 4] less than	[ 0.1%]
- Status of Women Division	[ 2] less than	[ 0.1%]
Department of Human Services	545	9.2%
- Community Services Division	[249]	[ 4.2%]
- Iowa Veteran's Home Division	[ 1] less than	[ 0.1%]
- Mental Health, Mental Retardation, & Developmental Disabilities Division	[ 29]	[ 0.5%]

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

-- Mental Health Institute - Cherokee	( 8)	( 0.1%)
-- Mental Health Institute - Mount Pleasant	( 2) less than	( 0.1%)
-- Mental Health Institute - Independence	( 6)	( 0.1%)
-- Mental Health Institute - Clarinda	( 5)	( 0.1%)
-- State Hospital-School - Glenwood	( 3) less than	( 0.1%)
-- State Hospital-School - Woodward	( 4) less than	( 0.1%)
- Social Services Division	[255]	[ 4.3%]
-- State Training School - Eldora	( 19)	( 0.3%)
-- Iowa Juvenile Home - Toledo	( 58)	( 1.0%)
-- Economic Assistance Bureau	( 53)	( 0.9%)
-- Medical Services Bureau	( 27)	( 0.5%)
-- Adult, Children & Family Services	( 64)	( 1.1%)
-- District and Local Offices	( 29)	( 0.5%)
Department of Inspections and Appeals	22	0.4%
- Appellate Defenders Office	[ 1] less than	[ 0.1%]
Department of Management	2 less than	0.1%
- State Appeal Board	[ 1] less than	[ 0.1%]
Campaign Finance Disclosure Commission	1 less than	0.1%
Department of Natural Resources	38	0.6%
Department of Personnel	17	0.3%
Department of Public Defense	1 less than	0.1%
Department of Public Health	50	0.8%
(Independent) Professional Licensure Boards	14	0.2%
- Board of Dental Examiners	[ 2] less than	[ 0.1%]
- Board of Medical Examiners	[ 4] less than	[ 0.1%]
- Board of Nursing Examiners	[ 3] less than	[ 0.1%]
- Board of Pharmacy Examiners	[ 1] less than	[ 0.1%]
Department of Public Safety	26	0.4%
-- Crime Victim Reparation Program	( 7)	( 0.1%)
- Criminal Investigation Division	[ 5]	[ 0.1%]
- Fire Marshal Division	[ 1] less than	[ 0.1%]
- State Patrol Division	[ 9]	[ 0.2%]
Law Enforcement Academy	1 less than	0.1%
Board of Regents & Regents Institutions	35	0.6%
- University of Iowa	[ 20]	[ 0.3%]
- Iowa State University	[ 13]	[ 0.2%]
- University of Northern Iowa	[ 1] less than	[ 0.1%]
Department of Revenue & Finance	80	1.4%
- Lottery Division	[ 7]	[ 0.1%]

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

Department of Transportation	148	2.5%
- Highway Division	[ 25]	[ 0.4%]
- Motor Vehicle Division	[ 96]	[ 1.6%]

#### LOCAL GOVERNMENTS

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Schools and School Districts	61	1.0%
Municipal Government	273	4.6%
-- Police and Jails	(111)	( 1.9%)
-- Mayor and Council	( 49)	( 0.8%)
-- Housing and Zoning	( 28)	( 0.5%)
-- Utilities	( 14)	( 0.2%)
-- Public Works	( 8)	( 0.1%)
-- Parks and Recreation	( 2) less than	( 0.1%)
County Government	245	4.2%
-- Sheriff and Jails	(105)	( 1.8%)
-- County Attorney	( 40)	( 0.7%)
-- County Assessor	( 12)	( 0.2%)
-- Board of Supervisors	( 9)	( 0.2%)
-- County Engineer	( 9)	( 0.2%)
-- Clerk of Court	( 8)	( 0.1%)
-- General Relief	( 6)	( 0.1%)
-- County Treasurer	( 6)	( 0.1%)
Metropolitan and Area Government Entities	4 less than	0.1%
Quasi-governmental, Private Non-profit Agencies	4 less than	0.1%

#### NON-JURISDICTIONAL

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Governmental		
Iowa Government (Governor, Legislature, Courts)	84	1.4%
States other than Iowa	18	0.3%
Interstate Compacts	1 less than	0.1%
Federal Government	132	2.2%
Non-governmental	1,914	32.4%
- Consumer problems	[305]	[ 5.2%]
- Employee/Employer problems	[720]	[12.2%]
- Financial institutions	[ 28]	[ 0.5%]
- Insurance problems	[ 68]	[ 1.2%]
- Landlord/Tenant problems	[ 82]	[ 1.4%]
- Private legal problems	[492]	[ 8.3%]
- Medical problems	[ 19]	[ 0.3%]
- Private nursing homes	[ 9]	[ 0.2%]
- Utility problems	[ 90]	[ 1.5%]
Undetermined	108	1.8%

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

## CASE SUMMARIES

Minor's driver's license suspension reversed. High school-age boy lost his minor's school driver's license because he was ticketed for driving outside the most direct route between school and home. Boy's mother complained to Citizens' Aide/Ombudsman (CA/O) that the license should not have been suspended for a minor infraction. CA/O reviewed the Department of Transportation's (DOT) authority in such cases and learned that upon first citation the DOT may suspend; upon second citation they "shall" suspend. CA/O suggested that she should document that the boy was on his way to a school function when ticketed but had deviated from the approved route to pick up a friend. The suspension was appealed and the Department of Inspections and Appeals (I&A) ruled in the boy's favor. The suspension was rescinded. DOT appealed the ruling to the DOT director on the basis that the I&A hearing officer had no authority to overrule the suspension. CA/O intervened in support of I&A's position. The director's designee upheld the hearing officer's ruling.

\* \* \*

Ombudsman questions informal juvenile probation. Parent complained when juvenile probation officer requested "informal" probation after the daughter failed to attempt to stop her companion from eluding police in a high speed car chase. CA/O questioned the probation officer and asked that the county attorney review the case. Charges were dismissed. The chief probation officer brought language of the Informal Adjustment Agreement into conformance with Iowa Code, pursuant to CA/O's request.

\* \* \*

Law Enforcement Academy requirement questioned. Deputy sheriff complained to CA/O after being denied admission to the Iowa Law Enforcement Academy's (ILEA) five-week, short course for state certification as a law enforcement officer. ILEA officials denied admission because the deputy did not meet an experience requirement of five years full-time civilian law enforcement work. A portion of the deputy's experience was working as a jailer, experience that was unacceptable to the ILEA. CA/O argued that the language of this requirement (spelled out in Iowa Administrative Code) was vague. Though the deputy was not allowed admission to the course, the specific requirement was later removed from the Administrative Code.

\* \* \*

Foreign university student must prepay expenses. An Ugandan graduate school applicant to Iowa State University (ISU) complained that certain foreign students were forced to pay their expenses in advance. ISU officials responded to CA/O inquiry that the U.S. Immigration and Naturalization Service (INS) required prepayment because certain foreign governments restrict the transfer of funds to the U.S. Thus, proof of ability to pay expenses is required by educational institutions pursuant to INS regulation. Documentation indicated that the applicant had been notified of the requirements and the basis for

those requirements by the university officials. CA/O advised the applicant that he should comply with the requirement.

\* \* \*

Disciplinary report does not delay work release. A prison inmate was granted a work release but held in prison because she'd received a disciplinary report. A 30-day disciplinary hold was imposed pursuant to a Department of Corrections policy which dated from the time when the department was authorized to grant work releases. That authority now rests with the Board of Parole. CA/O conferred with officials at the women's prison and the inmate was quickly scheduled for transfer to a work release center. Policy was updated so that such holds would not occur in the future.

\* \* \*

Victim registration questioned. Prison inmate complained to CA/O that a woman who appeared at his parole hearing should not be allowed to remain registered as a victim, that is to be notified when he is being considered for release. The inmate denied having had any contact with her. CA/O inquired with the county attorney victim service program and Board of Parole and learned that the woman was registered as a victim and had every right to attend inmate's parole hearings. She claimed he had also raped her though he'd been convicted of another rape. Law enforcement officials suspected him in many sexual assaults. The woman did appear on official documents as having been attacked by the inmate. Prosecution for that alleged assault was awaiting determination by the county attorney. CA/O informed inmate that the woman would be allowed to remain registered as a victim and to appear at his future parole hearings.

\* \* \*

Jail suicide protocol reviewed. Chief Jailer of a metropolitan county jail asked CA/O to review the jail's suicide prevention protocol subsequent to the complaints of a citizen, arrested for drunk driving and held under the protocol while detained in the county jail. CA/O interviewed jail staff, reviewed policies and established that the protocol was based on insuring the safety of the detainee and was consistent with policies of other like departments. CA/O determined that the citizen had made several, self-injurious statements once booked into the jail, thus implementation of the suicide prevention protocol had been appropriate. The detainee had also publicly complained of having been left naked in the cell. Interviews with the detainee and jail staff substantiated that a paper smock had been provided but that the detainee had been unwilling or unable to wear it.

\* \* \*

Meaning of natural snow accumulation queried. Citizen inquired about who is responsible for removing snow displaced onto a sidewalk by city snow removal equipment. CA/O believed the question spoke to the meaning of the phrase "natural accumulation", used in Iowa Code, and requested an interpretation from the Attorney General. That interpretation declared that a large mound of snow deposited on a sidewalk by removal activities would likely not be a natural accumulation and therefore not the responsibility of the property owner.

\* \* \*

Legislative language added to aid public water systems. Mayor of rural community complained that Department of Natural Resources closed down two city wells because trace carcinogens were found in water supply. Mayor believed the state should provide funds to trace the cause and take corrective action. CA/O investigated and learned that recent legislation created a groundwater fund from tonnage fees imposed on sanitary landfill operators. Natural Resources could earmark a portion of these funds for grants to public water supply systems, however, CA/O learned that such specific language had been inadvertently left out of the legislation. CA/O worked with legislators to incorporate language making grants available to public works systems. CA/O monitored legislative progress and informed the rural mayor. (See legislative recommendation 88-6 presented elsewhere in this report).

\* \* \*

Victim notification plan improved. Parents of a fatal victim of a drunk driver accident complained that they had not been notified prior to the parole hearing of the incarcerated driver. They had registered with the Board of Parole but the board's administrative system for notifying victims failed and they were not notified the inmate was paroled. CA/O worked with board officials and staff to insure that this would not happen again. A procedure was implemented to track victim registrations on the Adult Correctional Information (computer) System, hopefully preventing recurrences of this problem.

\* \* \*

Job Service applicant classification examined. Citizen lost his job with farm equipment manufacturer after 25 years, began receiving retirement benefits but wanted a part-time job. He registered with Job Service but was displeased because he was not referred to the specific employer where he wanted to work. He complained to CA/O that Job Service's system of classifying applicants (Validity Generalization) discriminated against older job seekers. CA/O studied the validity generalization system and took the General Aptitude Test Battery (GATB) - a part of that system - in an effort to test its fairness. It appeared that the citizen was not referred to the prospective employer of his choice because that employer was seeking applicants with specific work histories who had scored at certain levels on the GATB. The citizen had not scored high enough nor did he have the required work history. Job Service officials emphasized that it did no good to refer applicants which an employer clearly did not want to interview. CA/O determined that though the validity generalization system leaves room for some individuals to fall between the cracks, it is used in all 50 states and appears to be a reasonably accurate classification mechanism. Job Service officials assured CA/O that staff members are cautioned to be sensitive to the needs of older applicants. This citizen did find a part-time job acceptable to him.

\* \* \*

Home for the holidays. Citizen seeking certification as foster parent encountered delays when referral information from the Department of Human Services (DHS) was lost enroute to the Division of Criminal Investigation (DCI) where a criminal history check was to take place. Citizen asked CA/O for help because the Christmas holidays were quickly approaching and a six-year-old boy was awaiting placement in their home. CA/O determined that the DCI had not

received the information and requested that DHS (in an outlying field office) fax the materials to DHS central office. From there central office staff hand delivered the materials to the DCI. The request was processed immediately. The completed report was faxed back to the outlying office, the foster child agency was notified that certification was approved and the little boy made it to his new home for Christmas.

\* \* \*

Nursing Home Ombudsman acts quickly. A number of citizens were successfully referred by CA/O in 1988 to Iowa's Nursing Home Ombudsman in the Department of Elder Affairs. Memorable of those referrals was the elderly wife of a nursing home resident afflicted with Alzheimers Disease. The incontinent man had always been diapered but new management had discontinued the practice. The wife was extremely upset by the change. The Nursing Home Ombudsman acted swiftly, making a site visit the same day and later visiting the wife at her home to assure her that the diapers would once more be used. This public employee investigates hundreds of complaints statewide each year.

\* \* \*

Ombudsman assists suspended student. High school senior was suspended from school and scheduled for expulsion. He sought help from CA/O to prevent expulsion. CA/O learned that suspension occurred because student refused to follow a vice principal's directive. The student had not been in trouble before but did not get along with the vice principal. Student was sent home. Student's mother sent him back to school the next day. The student was ordered from the building. He attempted to retrieve a coat that he'd worn to school but the vice principal told him to leave without the coat. Two pushing incidents occurred. The vice principal alleged the student struck him. The student denied it. The student tried to file an assault charge with police, but they declined the complaint. Instead, they filed a report from the vice principal and he filed an assault charge against the student. Three days later the mother received the suspension notice with the recommendation for expulsion. School officials did not call her until the following week. The school social worker did not contact the parent within twenty-four hours as required by school policy, and the student was out of school for eleven days without educational services, which are required to begin after ten days. The school board heard the expulsion recommendation as a committee and voted to reinstate the student pending board approval over the objections of teachers and administrators. In the judicial arena the student was found guilty of simple assault and received a deferred judgment and one year probation. The student graduated with his senior class.

\* \* \*

Academic grade reductions studied. Several parents from around the state contacted CA/O in 1988 concerned that school officials were imposing percentage grade reductions as administrative penalties. CA/O researched court cases on this issue and sought the opinion of the Department of Education. It was learned that about half of Iowa's school districts utilize some form of academic grade reductions, though the department discourages their use and recent

court decisions have generally held against their use in most instances. CA/O worked with school district officials, providing documentation, in one case attending a school board meeting to argue against arbitrary grade reductions. CA/O does not object to standardized reductions as the result of continued unexcused absence and failure to make up work. Reductions imposed as sanctions for disciplinary problems, however, are objectionable. The arbitrary reductions were reversed in each case. CA/O continues to monitor this situation.

\* \* \*

Medical care continuity protected. Medicaid recipient receiving medical coverage for epileptic daughter did not want coverage switched to a Home Maintenance Organization (HMO) because of serious changes occurring in the type of seizures being experienced. Her coverage was erroneously switched to an HMO and she was told by the Department of Human Services (DHS) that she would have to take the child to a different doctor. She wanted to stay with the same doctor to maintain a continuity of care. CA/O urged DHS to return to the old coverage. DHS agreed to the change in about two weeks, at the start of the month. CA/O urged that the change be immediate. The file was modified and uninterrupted coverage was guaranteed.

\* \* \*

College student's vote counted after all. College student complained that her vote in hometown school election had been thrown out because she'd moved away to college. CA/O contacted Secretary of State and learned that it is the intent of the individual which controls, when a student is involved. If the move is intended to be permanent, the person must file a change of address. If the move is temporary, the person can decide where to vote. The county auditor was advised of this information and the student's vote was counted.

\* \* \*

Case of the dishonest brother. Citizen came to CA/O for help in unraveling an incorrect driving record. CA/O's inquiry revealed that citizen's brother had used his name and Social Security number when stopped by police for three separate speeding violations. The car being driven at the time the tickets were issued was traced to the dishonest brother's wife. Additional documentation proved that the complaining brother was not in the State of Iowa on the dates the tickets were issued. Department of Transportation officials expressed concern that they lacked authority to remove convictions certified by a court. Based on conclusive evidence, however, the three speeding tickets were removed from the victimized brother and added to dishonest brother's record. Further, the victimized brother was issued a new driver's license with a number other than his Social Security number. The dishonest brother was to be prosecuted for giving false information to authorities.

\* \* \*

Jailed married couple allowed to communicate. Husband and wife incarcerated at the same county jail were not allowed to communicate. Though CA/O understood the two were involved in the same alleged crime, it was suggested that they should be allowed some basic communication. CA/O consulted with the county

attorney. The couple was told they could write one letter per week to each other and advised the letters would be read by jail staff.

\* \* \*

Difficult school situation mediated by CA/O. Parent complained that non-certified school personnel physically moved brain injured eight-year-old student to time-out area and video taped her acting out. CA/O reviewed a copy of the tape then attended a conference with superintendent, principal, family and other school personnel. The situation was defused when school officials issued an apology and assurance that the incident would not be repeated. Arrangements were made to place the child in a more structured educational setting.

\* \* \*

Parochial students admitted to public school programs. Parent complained that two parochial school students were denied admission to public school summer programming. CA/O contacted the Department of Education and learned that funding for this particular programming was from Phase III (curriculum enrichment) and was based on public school enrollment only. It was the department's position that shared time rules did not pertain to Phase III programs. The district superintendent was contacted and urged to develop criteria for admission of parochial students. The two students were admitted to the summer programming. Parent was advised that a permanent solution would require legislation.

\* \* \*

Sheriff finds missing checks. Citizen complained that a county sheriff had failed to return several non-sufficient funds checks which had been used as evidence in an investigation two years earlier. CA/O contacted sheriff who said the county attorney must release the checks. County attorney said checks were being held by the Federal Bureau of Investigation (FBI). CA/O was told by FBI that they knew nothing about the checks. Eventually, sheriff found the checks in a closed file in county attorney's office. They were provided to citizen by certified mail.

\* \* \*

Missing tax return problem rectified. Citizen paid \$100 in estimated state income tax each quarter. In 1984 \$400 was paid but no tax was owed. It was indicated on the 1984 tax return that the \$400 was to be credited to the 1985 estimated tax payment. In 1988 citizen received a notice from the Department of Revenue that \$400 estimated tax for 1985 plus interest was owed. Citizen explained the prepayment but the department said the 1984 return had never been received - since it was out of statute, refiling would not be allowed. CA/O worked with the department to sort out the facts of the case, including verification that the \$400 had been paid in 1984. The department credited citizen's current account for the \$400.

\* \* \*

Smoke-free cell achieved. Prison inmate with respiratory sensitivity complained that his cellmate's smoking caused him discomfort. CA/O asked

officials to review the situation realizing that the problem is aggravated because many inmates smoke. Officials suggested allowing the smoking cellmate to smoke outside the cell twice per hour. CA/O found that arrangement to be reasonable.

\* \* \*

Mistaken identity thwarts driver licensing. Citizen complained that he had been denied permission to take a driver's license test because his license had been suspended for six years after a drunk driving conviction. Citizen became suspicious because not only had he not been convicted of drunk driving, he had not yet obtained a driver's license. CA/O conducted an administrative review through the Department of Transportation, the County Attorney's office and the public defender's office. It was finally determined that this was a case of mistaken identity. The actual drunk driver had apparently used complainant's name as an alias. A photo identification was achieved and complainant was vindicated. He was then allowed to take the test and became a licensed driver.

\* \* \*

Concert videotape provided to family. Father of singer complained that Iowa Public Television (IPT) would not provide him a video tape of a 1973 concert in which his daughter had participated. CA/O conferred with IPT and was advised that federal copyright regulations prohibited providing such copies. CA/O asked that IPT officials consider the matter further. Legal counsel discovered a federal regulation allowing duplication of broadcast films for citizens' private use. Since that was complainant's intent, a copy of the concert was provided.

\* \* \*

General relief not based on length of residency. Woman seeking general relief complained she was denied because she hadn't lived in the specific county one full year. CA/O researched the question and learned that she should not have been denied on the basis of length of residency. CA/O secured an Attorney General's Opinion which supported this argument. CA/O also contacted the Iowa State Association of Counties and received their support. Challenged on the subject, the county general relief director relented and approved the woman for assistance.

\* \* \*

Work place inspector is verbally abusive. Businessperson complained that Iowa Occupational Safety & Health (IOSH) inspector had verbally abused him. CA/O verified the complaint and asked the IOSH director to investigate and take appropriate action. The inspector was no longer permitted to inspect this specific business; a letter of clarification was placed in the inspector's personnel file; the work place in question was to be re-inspected by another inspector.

\* \* \*

Spanish-speaking inmate faces communication hurdle. Spanish-speaking inmate at the Medium Security Unit, Mt. Pleasant complained that he was not allowed to write to family members in Spanish - they do not speak nor write English.

Policy prohibits communication in a foreign language as a security risk. CA/O advocated for the inmate and he was allowed to write. He paroled but came back to prison - this time the John Bennett Correctional Center, Fort Madison (JBCC) - on a parole violation. He was faced with the same problem however officials at JBCC denied his request. CA/O worked with departmental officials to put some flexibility into the policy. It was determined that administrators at individual institutions could enforce the policy based on specific cases. The inmate was not allowed to write to his family in Spanish. CA/O continues to be concerned about the rights of non English-speaking inmates and will monitor these situations.

\* \* \*

Officer loses job over inmate fence. Inmate at John Bennett Correctional Center (JBCC) complained that he was being punished because his wife had contracted with a correctional officer to build a fence at her home. Inmate was found guilty of entering into a contract - a rule infraction - and transferred back inside the walls to the Iowa State Penitentiary (ISP). ISP internal affairs investigated the matter and learned that the officer had approached the inmate about the fence. Further, he solicited help from other officers to build the fence without telling them it was an inmate's property. After a lengthy investigation the disciplinary report was dismissed and the inmate was returned to JBCC. The officer was terminated from employment because officers are not allowed to enter into contracts with inmates or inmates' families.

\* \* \*

Ombudsman assists inmates with time credit queries. Dozens of prison inmates seek help from the CA/O each year with problems concerning credit for time served. Typical of those cases in 1988 was an inmate who was arrested, spent time in a county jail, was transferred to a mental health institute for evaluation; he spent 15 days there then escaped. He was captured one year later and sent to the Medical and Classification Center, Oakdale for an evaluation. He spent 60 days at that facility. CA/O also contacted the jail and learned that the inmate deserved 10 more days credit than he had been previously credited with. A court order was issued granting the inmate an additional 85 days time credit. Not all such complaints net inmates additional time served, but each case is investigated.

\* \* \*

Doctor's disciplinary hearing sparks law change. Elderly physician asked CA/O to accompany him to a disciplinary panel hearing before the Board of Medical Examiners. He complained that board investigators had treated him without respect and he wanted CA/O to witness the proceeding. Board's legal counsel refused CA/O access to the hearing citing confidentiality. A change in CA/O's enabling statute was sought and achieved clarifying that the Ombudsman does have access to such hearings and proceedings. The physician was treated with respect and cleared of any wrongdoing. (See legislative recommendation 88-1 presented elsewhere in this report).

\* \* \*

Company logo allowed on highway sign. Businessman complained that the Department of Transportation (DOT) would not allow a variation of his company logo to be posted on a DOT highway sign. CA/O contacted the DOT which agreed to ask the Federal Highway Commission for an interpretation. Discretion was ultimately allowed for changes in symbols or trademarks. The businessman's proposed logo was approved.

\* \* \*

Level system adjustment granted. Prison inmate complained that officials had promised her an upgrade on the institution's behavior - level incentive system if she did not receive disciplinary reports while in lock-up status. However, while the inmate was locked up, officials determined that this policy was ineffective and it was discontinued. When the inmate emerged from lock-up (report free) she was denied the automatic advancement. CA/O argued that the inmate had kept her end of the bargain and the level upgrade was granted.

\* \* \*

Special assessment notice language clarified. Property owner complained that confusing special assessment form language could cost him the loss of his property. He said a notice of special assessment for oiling a road declared that the money was due then at the city treasurer's office, or if not paid would be applied to real estate taxes. He considered that an either/or option. Since the city later failed to apply the amount due to his taxes he believed he should not be forced to pay the special assessment. CA/O did not agree with his interpretation stating that he had received a clarifying notice and was responsible for payment. He was in danger of losing the property at auction if he didn't pay. CA/O monitored to insure a change in the special assessment form language clarifying property owners' options was achieved.

\* \* \*

Mayor may not smoke at meetings. City council member complained that mayor pro tem insisted on smoking at council meetings much to council member's chagrin. County attorney refused to prosecute. CA/O researched the Code and determined that a county attorney must prosecute all proceedings necessary for the recovery of debts and revenues for the county, including violations of Iowa Code Chapter 98A (Smoking Prohibitions law.) The case was prosecuted, the mayor pro tem was found guilty and a magistrate ordered the council to designate smoking areas in the building. The council room was deemed a no-smoking area.

\* \* \*

Utility shutoff avoided. Family was about to lose gas and electric service because they couldn't pay bills. Husband and wife had been approved by the Department of Human Services (DHS) for the unemployed parent program - which would provide them \$400 monthly - but DHS delays getting information into the computer kept the funds in limbo. CA/O verified that their first check was to go out in a week. CA/O then contacted the utility companies and arranged payment-extension agreements. Family maintained services until benefits began.

\* \* \*

No free teeth in prison. Inmate complained that institution would not buy him a new pair of dentures. He had lost his false teeth but said he could not remember where or when. CA/O checked with prison and county jail officials and learned that he had not had his false teeth upon entering jail or prison. Since Department of Corrections' policy does not fund false teeth unless inmate's health is at stake, CA/O reviewed his medical records and learned he had gained weight since entering prison. After CA/O notified inmate that he would have to pay for the \$200 dentures, he remembered that a relative had stolen his old dentures. He said he would try to get the money from the relative.

\* \* \*

Access to prison denied. Truck driver complained he had been denied entrance to a state prison when attempting to make a delivery. He alleged he had been denied only because he'd served time at the prison many years earlier. CA/O verified a criminal record check which revealed that the man had picked up about a dozen assault-related charges since his release from prison. He rationalized these charges as just involving physical confrontations with his wife. He had also picked up vandalism and drunk driving charges. CA/O informed man that prison officials were well within guidelines by denying him access. He withdrew his complaint.

\* \* \*

Congregate meal site buddies reunited. Elderly citizen complained to CA/O that she was no longer allowed to dine with her best friend at a congregate meal site because all diners in wheelchairs were forced to sit in one area - near the kitchen - where staff could more easily carry trays. New management - a community action agency - had made the change. CA/O wrote to the agency director asking that the policy be reevaluated. Other officials also advocated for the citizen. The policy was quickly changed. The agency director told CA/O he planned to set up a citizen/staff advisory council so such future problems could more easily be discussed.

\* \* \*

TDD accesses services to deaf Iowans. Deaf citizen contacted CA/O in 1986 inquiring whether the office utilized a TDD (Telecommunications Device for the Deaf.) CA/O was interested in obtaining such a machine (which allows deaf persons to communicate by telephone) but it was not until 1988, after moving to CA/O's new location that a machine was obtained and activated. The deaf citizen who had made the initial inquiry was called as the first official public use of the CA/O TDD. Now all deaf Iowans with TDD access may contact the CA/O directly.

\* \* \*

Directed blood donation not allowed. Citizen complained that University of Iowa Hospitals would not allow family members to donate blood in advance of planned surgery for an infant in the family. CA/O inquired with hospital officials and learned that studies indicate directed donations may actually be

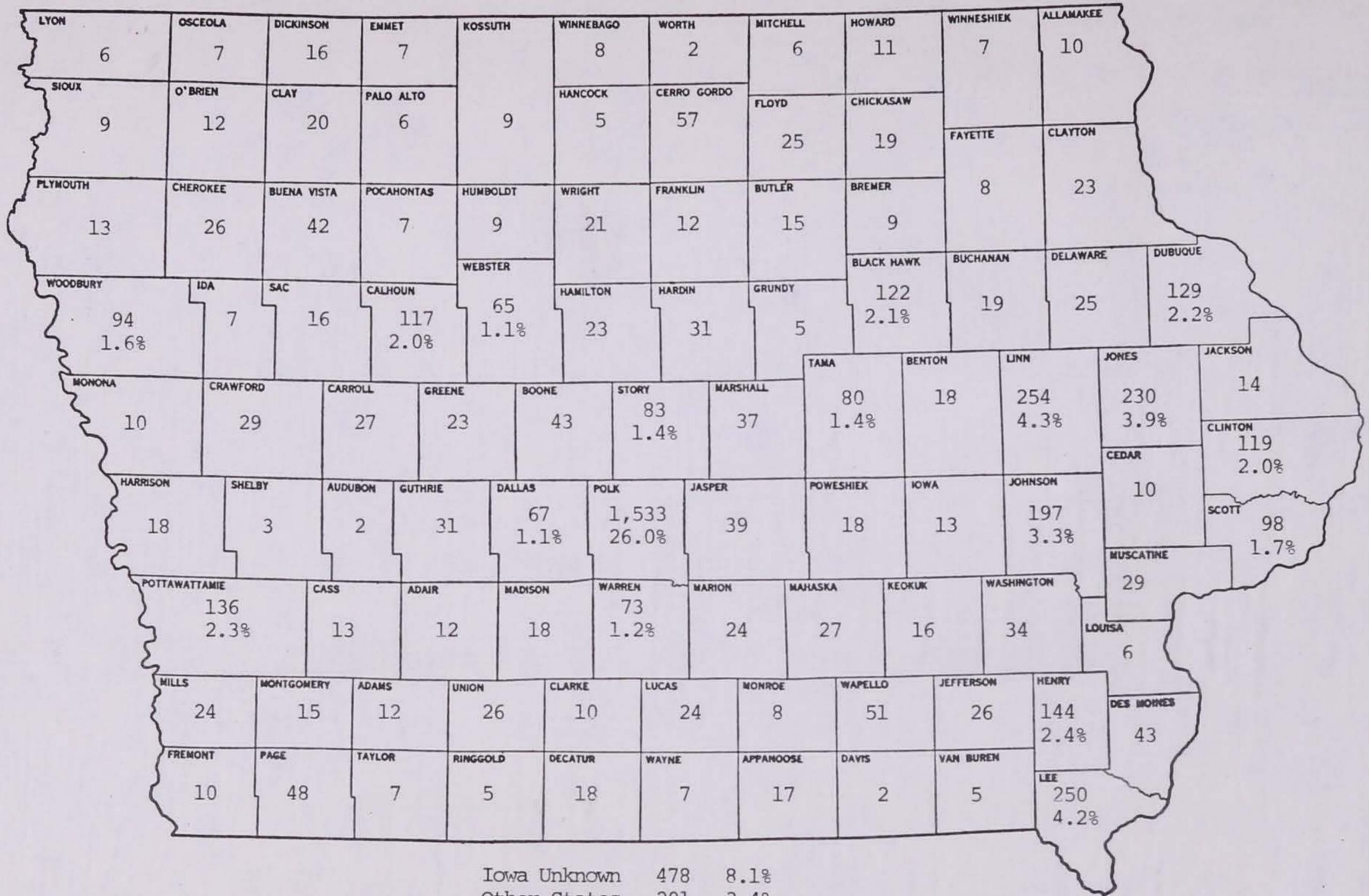
less safe than blood held in the regular blood supply. Medical experts apparently hold that family donors may be under pressure to donate and may deny important facts about their past medical/social histories. Hospital officials concluded that directed donations do not improve and actually threaten the overall blood supply. CA/O explained the situation to the citizen.

\* \* \*

Ombudsman assists families of inmates. Dozens of inquiries come in each year from families with loved ones in prison and other state institutions. These contacts range from family members seeking information about telephone and visitation guidelines to parents concerned about a son or daughter's parole opportunities. One such case in 1988 involved a Des Moines woman living on an extremely small income who had been unable to visit her son at the Men's Reformatory in Anamosa because she could not afford the bus fare. She had not seen him for three years. CA/O had a chance contact with a Des Moines resident who makes regular trips to Anamosa to visit a son at the Reformatory. The resident agreed to offer the woman a ride and she was able to visit her son during the holidays.

\* \* \*

1988 CONTACTS BY COUNTY



Iowa Unknown 478 8.1%  
 Other States 201 3.4%

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

