

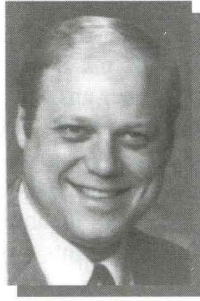
OMBUDSMAN'S REPORT



Annual report of the Iowa Citizens' Aide/Ombudsman

1995

April 1996



Message from the Ombudsman

William P. Angrick II

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What an Ombudsman does

Iowa appointed its first Ombudsman in 1970, when Governor Robert Ray established the position in his office. In 1972, the Legislature approved the Ombudsman Act, now located in Chapter 2C of the Code of Iowa. The ombudsman became an independent office working under the auspices of the Iowa Legislature.

The ombudsman position is selected by the bi-partisan, bicameral Legislative Council subject to the approval of the General Assembly. The appointment is for a term of four years, renewable for additional terms.

Under Chapter 2C, the Ombudsman is generally charged with answering questions and receiving complaints about most agencies of state and local government in Iowa. Chapter 2C gives the Ombudsman authority to investigate administrative actions that might be:

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

We have changed the format of the Annual Report this year. Our experience has been that a newspaper styled annual report is readable and interesting. So, because we want to reach as many people as we can to tell them about our office and what we do, I decided to adopt a different way of reporting about our year's work. Hope you like it!

Extremely noteworthy was the Iowa Supreme Court decision *Citizens' Aide/Ombudsman vs. Miller*, handed down early in 1996. Legal Counsel Ruth Cooperrider discusses this case elsewhere in this report. It is an extremely important resolution to a dispute where a professional licensing board and the Attorney General's office tried to limit our access to the board's investigative files. This case along with *Citizens' Aide/Ombudsman vs. Rolfes*, and *Citizens' Aide/Ombudsman vs. Grossheim*, should resolve any potential resistance to an Ombudsman's investigation. They clearly establish and define the Ombudsman's authority,

power and responsibility regarding administrative agencies' confidential records — confirming we have the tools to do our job.

1995 was a year of varied complaints and issues brought to the attention of our office. We received contacts from people in each of Iowa's 99 counties and 176 contacts from outside our state. Partly because Iowa's economy is doing well, our unemployment rate is very low and the number of people receiving welfare is down, we have a reduced opportunity for dissatisfaction, disagreement or complaint. Corrections-related contacts remain our greatest workload in terms of numbers, accounting for 19 percent of our contacts. Contacts relating to the Department of Human Services totalled about 10 percent of our workload last year. Contacts about municipal government accounted for over 9 percent and counties totalled over 8 percent. Almost 70 percent of the contacts involved agencies jurisdictional to our office. This is a remarkable statistic because during the early years of the office well over 50 percent of the contacts were not jurisdictional to our statutory authority.

One of the Ombudsman's statutory duties is to serve on the Child Support Advisory Committee. The committee

helps the Department of Human Services review and make recommendations about child support guidelines, program operation and legislation. The committee also receives public input on these issues. The contribution we make to this body draws from our experiences and knowledge in dealing with complaints from both payees and payors. On this committee, and as a member of other groups advising child support and collections services staff, we have stressed the need for services that are flexible, timely, consistent, fair and responsive. Ruth Cooperrider currently performs this duty for our office. She also continued participation on a customer service committee the department created to study ways to improve services to the public. A primary concern is the two-hour per day limited period in which the public can call child support offices. Ruth has urged greater access through expanded hours for public access, increased staff and improvements in the telephone and audio-response systems. Noteworthy has also been the significant increase

in child support collection complaints in our caseload and the animosity many of those complainants felt towards child support staff.

Staff from our office continue to contribute to the advancement of public administration within Iowa, nationally and in

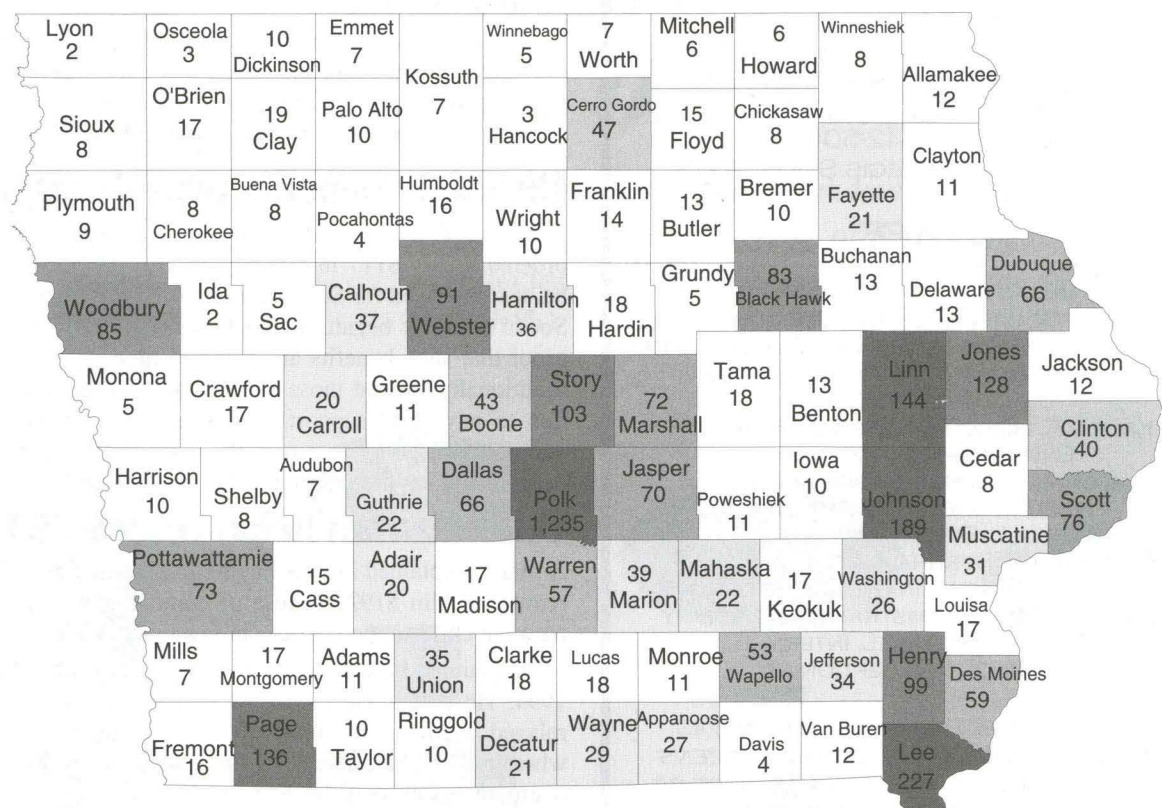
some instances internationally. Several years ago I selected the Council on Licensure, Enforcement and Regulation (CLEAR), a national training organization and affiliate of the Council of State Governments, as the formal training certification for our investigative staff. Since then most U.S. Ombudsman offices have adopted CLEAR certification as a standard. Mike Ferjak of our staff is on the national curriculum committee and authored the advanced evidence curriculum. Mike is also a council instructor. The state of Iowa has recently sent staff from the Boards of Medical Examiners, Pharmacy Examiners and Nursing Examiners to the CLEAR training program.

Several other innovations occurred in the office in 1995. We continued and improved the Small Business Clean Air Act Ombudsman Program. Kristie Hirschman now serves as Assistant Ombudsman for Environmental Affairs. She

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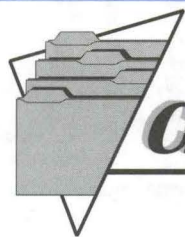
ANGRICK (Continued on page 4)

Contacts handled by Citizens' Aide/Ombudsman's Office, 1995



176 contacts came from outside Iowa; 486 came from unspecified Iowa locations

Legend: Shaded box = Range of Contact



Child Support Recovery Unit

Ombudsman helps CSRU get child support from Texas father

A woman who had received no child support payments for several years called for help. She believed her ex-husband was in Texas, but had no idea where. We suggested she get any information she could about his employment and relay it to the Child Support Recovery Unit (CSRU). Soon after, she learned her ex-husband's whereabouts, including where he was working. She gave the information to the department. She was later told the information was relayed to Texas child support officials, but he had changed jobs before they acted.

The next year, she learned he was working in Texas for a national restaurant chain. She relayed the new information to the department. Fearing her ex-husband might "slip through the cracks" for a second time, she also called our office. We contacted the department and stayed in close contact with the case worker over

The worker sent a computer message saying, "If you personally talk to [the woman] thank her for this information for me.... Thanks for all your help with this mess!"

several months, keeping the woman updated. At one point, she said the restaurant had closed and her ex-husband had transferred to another restaurant. Because of the department's limited phone access to the public (phones answered only 1:30 to 3:30 weekdays) we relayed this to the case worker. A few weeks later, the woman said the restaurant's regional office told her CSRU should be going through their

office instead of the individual restaurants in Texas. Again, we relayed this information to the case worker, who contacted the regional office the next day. The worker sent a computer message to our office which stated, "If you personally talk to [the woman] thank her for this information for me.... Thanks for all your help with this mess!" Three weeks later, the woman received her first child support payment in years.

Agency tries to collect support on behalf of deceased parent

A woman complained CSRU was trying to collect more money from her even though she had custody of her four children. Her ex-husband originally got custody of the children and she was ordered to pay \$144 in monthly child support. But the children moved in with her after her ex-husband was murdered. She said she notified the department and was led to believe it would close her account, so she stopped paying.

After getting a notice that the department was going to garnish her wages for current and back support, she petitioned the court for an order releasing her from that obligation. Although she asked the court to end her obligation back to the date of her ex-husband's death, the order only went back to the date her petition was filed. This meant she technically still owed support between the two dates (almost two years). The department then obtained an order to withhold her wages to pay off that support.

We still asked the department why it did not close her case when notified of the ex-husband's death. We asserted the circumstances surely would meet the requirement of a state rule allowing closure if the department "is unable to

contact the custodial parent or caretaker within a 30-calendar day period." The department replied it continued enforcement action because one of the children was placed at a state hospital school in 1993 and was getting state medical assistance. We contended the department did not have authority to be reimbursed for that medical assistance. The department also noted even though the woman retained custody of the other three children, she had arranged for the paternal grandparents to care for them. We replied that these caretakers were not entitled to child support under any order and never asked for services from the department.

The department then agreed to close the case on the three children living with the paternal grandparents, but wanted to keep the fourth child's account active. To resolve the problem once and for all, we suggested the woman ask the court for a satisfaction on the back support she owed for all four children. We obtained the department's assurance it would not resist her application. She later got a court order satisfying the back support and requiring the department to reimburse her about \$2,800 collected on the arrearage.

Ombudsman helps resolve case of mistaken identity

A man asked for help in what appeared to be a case of mistaken identity. While he did not owe any child support, CSRU had taken his entire income tax refund. Knowing there was another person with a similar name in town, the man suspected the department intended to take the other man's tax refund. We contacted the department, which checked and confirmed it had gone after the wrong person. The man received his tax refund and a letter of apology from the department, stating it had removed his name, address and social security number from their computers.

But the problem was not over. The man got three threatening notices from the department. We again contacted the department and its representative assured us he would do all he could to clear this up once and for all. The man has not received any more notices from the department.

Two phone calls = problem fixed

A man showed up at our office one afternoon because of what he believed was a big mistake by CSRU. He was divorced in May 1995, and the court ordered he start paying child support in June by having his employer withhold his wages. He said his wages were garnished regularly to cover the \$485 per month that he owed. Much to his surprise, he received a notice in December claiming he was about \$3,300 behind. He took the next day off and drove to the department's Collections office in Des Moines, about 45 minutes away. He said he tried to explain there was a mistake, but staff kept telling him he needed to pay the \$3,300 to resolve the alleged problem. A person in line told him he should contact the Ombudsman's Office, so he did.

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After listening to him, our intake staff person arranged for a three-way conversation by calling a department official and putting them on speaker phone so the man could participate. The department official checked the computer record on the case and confirmed the man had been making regular payments. The official then arranged for a three-way conference call with the Des Moines CSRU office to get to the bottom of the problem. By the end of that conference call, department officials told the man he was not behind in his payments and that the notice had gone out in error due to a mistake in the way the first payment was recorded back in June. The man left our office less than an hour after arriving, with his complaint resolved.

Ombudsman clears \$28,000 debt

A couple from Bettendorf drove to our office to present their problems with CSRU. The man had contacted the local department office to try to get child support from his ex-wife. Instead, they sent him a notice saying he owed \$3,533 in past-due support. Later, he got another notice saying he owed \$4,242. Later still, he received a letter stating he owed \$15,975, accompanied by another letter saying he owed \$28,111.

He suspected the department forgot he regained custody of the children in 1986, and before that, the court ordered he did not owe support for the six-week visitation period in the summer. The man said he had contacted the local depart-

ment office and requested a meeting to present his case, but they refused and asked him to explain over the phone.

We contacted the department and pointed out the court documents supporting the man's case. The department agreed he didn't owe any past-due support and corrected his balance accordingly. He learned they were trying to collect from him for a period the mother received public support on behalf of the children. He pointed to court records showing the children were with him during that period. We suggested he may report any potential fraud to the county attorney and the Department of Human Services' fraud unit.

Disability benefits provide support for child

A man with a mental disability fathered a child and was ordered to pay \$117 in monthly child support. Soon after, he was approved for Social Security disability benefits, and Social Security began paying benefits to the child. Upon proof that such benefits are going to the child, CSRU has traditionally viewed those benefits as fulfilling the obligation to pay child support. The man's parents thought an attorney was going to report the disability benefits to the department so their son would not be behind in child

support payments. No one followed through on filing the records, however, and eventually the family received a notice that the man was nearly \$4,100 behind in child support payments. We suggested the family send copies of its documents to the department. The family did, and the department adjusted the delinquency to \$520, a balance owed from blood tests conducted before Social Security approved the disability payments.

Ombudsman helps retrieve \$192

A man complained he was having trouble getting CSRU to reimburse him \$192 because of communication problems between child support offices in Iowa and Wisconsin.

He claimed he was paid up when his case was closed in 1994. He had made payments to the department, which relayed payments to child support officials in Wisconsin, where the children lived. His first problem was that he had overpaid his account by \$45 but had still not been reimbursed more than a year later. Wisconsin child support officials told him they sent the \$45 to Iowa CSRU in August 1994, but Iowa officials claimed they never re-

ceived it. The other problem was that the department took \$147 from the man's state tax refund in early 1995 even though his case had been closed the year before. The department claimed that money was sent to Wisconsin child support officials, but they claimed they never got it. We reviewed the man's documentation and provided Iowa CSRU with the name and number of the Wisconsin child support official the man had been dealing with. Shortly thereafter, the department reported it had contacted Wisconsin officials and both problems had been cleared up. The man received \$192 from the department soon after.

OMBUDSMAN'S REPORT

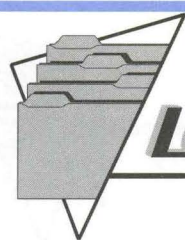
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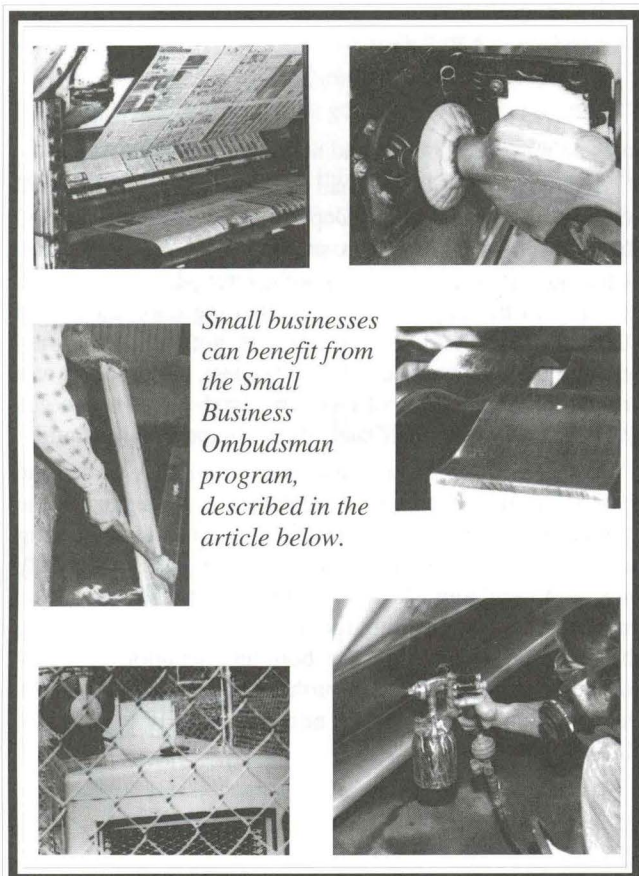
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EDITOR'S NOTE: THIS PUBLICATION WAS RELEASED BY THE OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN, PRINTED AT A COST OF 16.4 CENTS PER COPY, TO PROVIDE AN ANNUAL REPORT TO THE LEGISLATURE, THE GOVERNOR AND THE PUBLIC.



Local government



Small businesses can benefit from the Small Business Ombudsman program, described in the article below.

An Ombudsman for small businesses

Are you a small business owner? If so you are independent, entrepreneurial, hard working, and busy. You constantly monitor the profitability of your business and are proud of the product you produce or service you provide. Small business owners are also experts in their field. You often do not have the time to comprehend or monitor the barrage of new government regulations every year. The additional paperwork is often overwhelming. The enforcers are feared and violations can cause life threatening hardships on your business. Is there any relief in sight?



Kristie Hirschman

We believe there is. The Citizens' Aide/Ombudsman has a Small Business Ombudsman, Kristie Hirschman. She advises small businesses of their rights and obligations under environmental regulations. She also investigates complaints by small businesses against local and state government agencies. These services are free and confidential.

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This program is funded by the air emission fees collected through the Iowa Department of Natural Resources.

This past year, the Small Business Ombudsman has protected the interests of small businesses by:

- ◆ Participating in the state administrative rule making process.
- ◆ Developing financing options.
- ◆ Referring clients to the Iowa Waste Reduction Center.
- ◆ Proposing tax exemption legislation.
- ◆ Handling complaints.

An outreach plan to inform and motivate businesses to comply with the requirements of the Clean Air Act is being developed through the combined efforts of the Iowa Air Emissions Assistance Program, the Small Business Ombudsman and the State Public Policy Group. Focus groups made up of small business people will be held around the state to determine the best way to disseminate information. The final plan will be aggressively implemented throughout the state this spring and summer.

Kristie Hirschman has been a small business owner for 18 years. She understands the frustrations with interpreting environmental regulations. She understands the difficulty in keeping abreast of new laws and your related responsibilities. She understands the financial and emotional burden the laws place on you and your family and employees. Her job is to help you with these problems. Please call and introduce yourself (1-800-358-5510 or 281-3592). The Small Business Ombudsman is here to represent you and help you.

Human rights policy changed

A man complained the local human rights commission was not following one of its own written procedures for handling complaints. He was the subject of a housing discrimination complaint. He noted that a letter from the investigator, asking to schedule a fact-finding conference in two or three months, appeared contrary to information provided by the commission indicating staff would try to hold the conference within 30 days from meeting with the complainant.

We suggested the man present his concern in writing to the commission's director. The man did so and the director's response stated the man was misinterpreting the procedure.

We contacted the director, who replied the procedure "... was never intended to be mandatory and binding on anyone...." We followed-up with a letter stating in part, "... regardless of whether a complaint procedure is 'mandatory and binding,' by drafting such a procedure and issuing it to the public, an agency creates certain expectations and should be willing to either meet those expectations, change the procedure or rescind it." Several months later, we received the commission's revised procedure, which placed no deadlines on holding the fact-finding conference.

Hearing held at Ombudsman's suggestion

A man complained his city's board of adjustment, without holding a hearing, denied his request to put a mobile home on some land he bought.

He submitted a written request to the board of adjustment. The board responded with a letter stating the city attorney had advised not to approve the request. Enclosed was a copy of a letter the city attorney had written to the board. There was no further action taken and no hearing had

been held. Without taking a position on the merits of the request, we contacted city officials to learn why the board of adjustment had not held a hearing on the man's request. Soon after, the city attorney reported that the board of adjustment would hold a hearing. We relayed this information to the man and advised him if his request was denied, he could appeal to district court.

City's secret meetings discouraged

A man complained three city council members were holding secret meetings. He believed they were discussing city business including the possibility of joint operation with the county of an emergency dispatch center. He also alleged they secretly discussed Enhanced 911 services.

Shortly thereafter, a city official contacted us with a similar complaint and sent supporting documents. We contacted the city administrator. The city attorney wrote back saying meetings had been held for which minutes were not compiled. We pointed out the need to comply with the

Iowa Open Meetings Law, to notify the public of meetings of government bodies and to keep minutes.

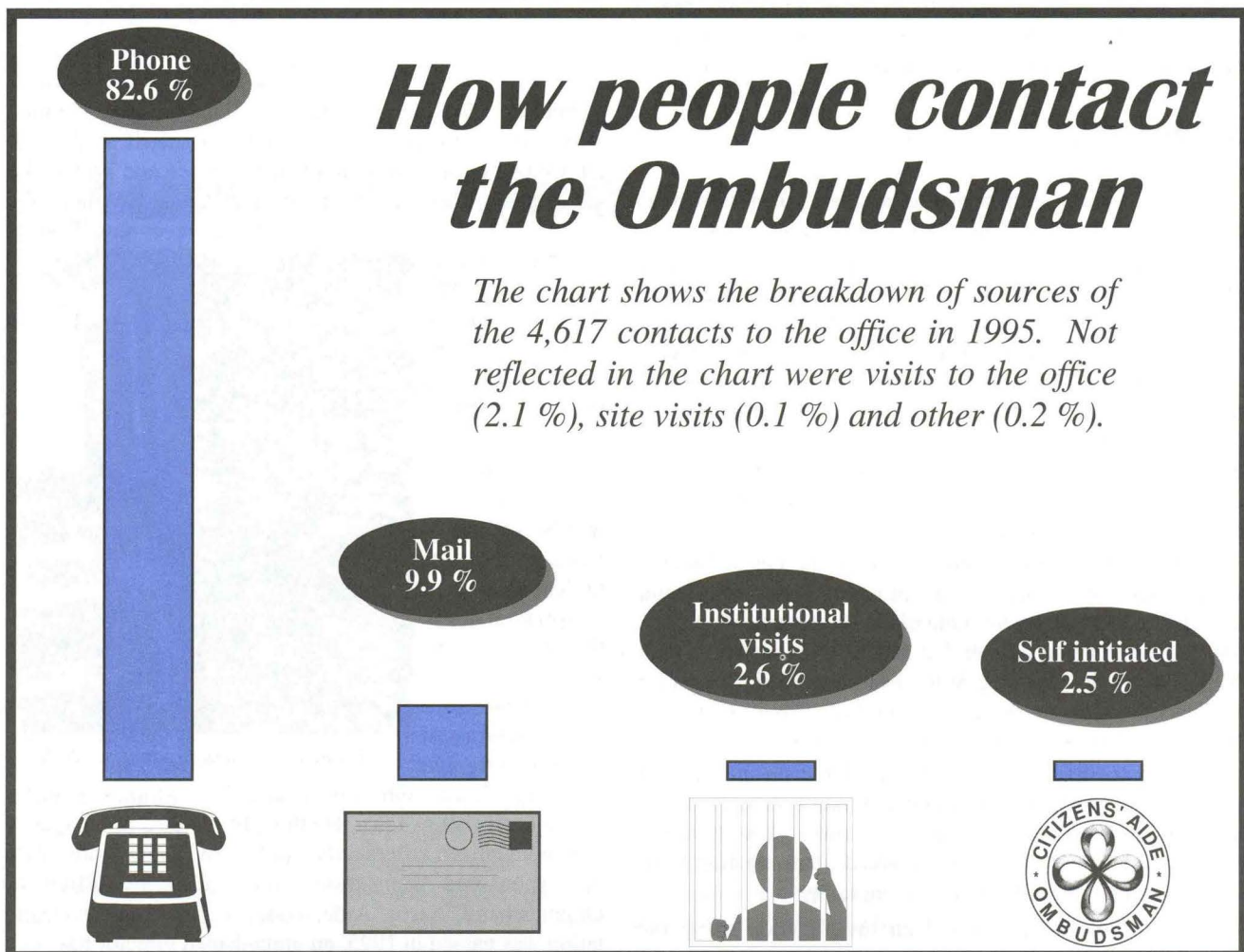
The city attorney contacted the three council members to remind them of these requirements. The first complainant asked that the three council members be removed from office. We directed him to Iowa Code Chapter 66, "Removal from Office," which discusses a "proceeding ... in district court." We told him we could not file such a proceeding on behalf of citizens, but that he may do so.

Conflict of interest?

A woman called about a possible conflict of interest. A deputy sheriff was elected to the city council, which by itself would not be a conflict of interest under Iowa law. However, she noted the same sheriff's department provides law enforcement to the city. She believed it might be a conflict of interest for the man to be on the council of a city that has a contract with his employer.

We contacted the man immediately and explained the question we had received, stressing we had not taken a position on whether it was indeed an unlawful conflict of interest. The man said before he became a candidate, a private attorney told him it would not be a problem. The man said he planned to abstain from any votes on the city's contract with the sheriff's department. He also said he might be appointed to the council the following week because an incumbent was expected to resign.

We sought advice from others, including the Iowa League of Cities and an assistant attorney general known as a local government specialist. Because the assistant attorney general had some questions about the contract between the city and the sheriff's department, we asked him to contact the city attorney. The next day, the deputy called our office and said he was to be sworn in at the council meeting that night. Late that afternoon, the assistant attorney general reported he had spoken with the city attorney and they agreed there was no conflict of interest as long as the deputy abstained from all discussions and votes on the law enforcement contract. Also, the city agreed to add some clarifying language to the contract the next time it was renewed. We relayed this information to the council member and to the woman who initially called.



Supreme Court upholds access to confidential files

This article was written by Legal Counsel Ruth Cooperrider.

The Ombudsman's office recently won an important challenge to our legal authority to examine confidential documents maintained by other state agencies.



The issue came up after a county board of supervisors claimed the Board of Mortuary Science Examiners had not adequately investigated the county's complaint about a funeral director. The Mortuary Board denied our request to see its investigative files, saying its confidentiality statute prohibits the release of those records.

We then subpoenaed the files because we believe our own statute gives us broad authority to examine "any and all records" of an agency, including confidential records. We noted our statute also requires us to keep those files confidential. When the Mortuary Board still did not produce

The court said our office was created as a "watch dog" for state agencies and we must have widespread access to agency records in order to fulfill this role.

the files, we petitioned the Polk County District Court to enforce the subpoena. A district court judge ruled in our favor in October 1994.

The Iowa Attorney General's Office, on the Mortuary Board's behalf, appealed to the Iowa Supreme Court. In February 1996 the Iowa Supreme Court issued its decision, affirming the district court's ruling to enforce our subpoena. The court concluded the two statutes can be reconciled to achieve what the legislature intended. It said our office was created as a "watch dog" for state agencies and we must have widespread access to agency records in order to fulfill this role. It said the Mortuary Board's interest in preventing public disclosure will be protected, since the files will still be considered confidential after we obtain them.

Model ombudsman act

Our office belongs to the United States Ombudsman Association (USOA). In late 1994 the group decided to draft a model ombudsman statute for state governments.

The last model ombudsman statute was issued by the American Bar Association (ABA) in 1974. USOA believes an updated version will help promote the establishment of legislative ombudsmen in other states. By being independent of the executive branch, legislative ombudsmen can investigate executive agencies from a neutral perspective.

The model statute committee comprises representatives from the four legislative ombudsman's offices existing at the time: Iowa, Nebraska, Alaska, and Hawaii. Ruth Cooperrider, our staff attorney, was asked to chair the committee.

The committee has met regularly via teleconference calls since March 1995 to discuss suggested revisions to the ABA model statute. A draft of the major revisions was presented at the USOA annual conference in October 1995 for comment and feedback. The committee expects to have a draft of the entire model statute completed by mid-May 1996 when the USOA convenes for the first time with five other ombudsman organizations in St. Louis, Missouri.

ANGRICK (Continued from page 1)

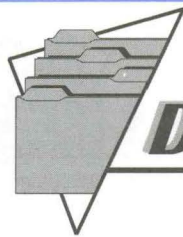
brings 18 years of experience as a small business owner/operator. She is enthusiastic, dedicated and innovative.

We used mediation to resolve a dispute between a grain broker and the Department of Natural Resources regarding clean-up of contaminated grain. Mediation uses a trained neutral, in this case from Iowa Mediation Services, to facilitate communication between two parties. Without mediation this matter probably would have ended up as an expensive and protracted court battle. Through mediation the concerns, expectations and disappointments of both parties were aired, a reduced fine was agreed to, and the department learned how to avoid a similar problem in the future.

Outreach is an important aspect of an Ombudsman's work. Over 4,500 people contact us annually. Yet we should and can be reaching more. One of our best ways of informing the public about our service is the booth we staff in the Varied Industries Building at the Iowa State Fair. This year my staff and I met over 25,000 fairgoers. Many later contacted the office with questions or complaints.

In 1995 we made our services available on the Internet and received our first email inquiry. Email communications are increasing between our staff and various state agencies. Email will become as routine a method of conducting business as the phone and fax machine are today.

During 1995 we conducted an investigation using the



Department of Human Services

No Social Security cards = No benefits

A mother complained the Department of Human Services (DHS) denied her application for Family Investment Plan (FIP) benefits for four of her five children because they had no Social Security numbers. Her estranged husband did not believe in government, she said. The three youngest were born at home and had no form of identification. The other two had birth certificates (with which Social Security numbers could be obtained) but her husband took one, leaving only one child with a birth certificate. (She was communicating with the Mexican government, where two of the kids were born).

With five children, few assets and little job experience, the mother turned to public assistance after her husband left. The local department office approved the entire family for food stamps, but denied her application for FIP benefits on four of the five children, citing a federal requirement that benefits only go to people with Social Security numbers. An attorney with the county Legal Aid Society applied for a court-ordered "delayed birth registration." The court had ordered the woman's husband to deliver any birth certi-

icates he may have, but he had not complied.

Meanwhile, the mother had appealed the denial of FIP benefits in a letter to the Department of Inspections and Appeals (DIA), which hears such appeals. When she contacted our office nearly two months later, she had received no reply to her appeal. We contacted the department and DIA and they found some paperwork got lost in the mail between the two agencies. At our request, the problem was brought to the attention of those involved, and it was noted it could have had a significant adverse impact on the family.

Later, an administrative law judge from DIA denied the appeal, based on the federal regulations, and suggested the mother apply for an exception to policy. She did so, writing in part, "... Does the state not have a heart or is it purely rules and regulations?" We closed our involvement in the matter at that point, noting the mother had done everything she could do — applying for both an exception to policy and court-ordered "delayed birth certificates," with which she could get Social Security numbers and FIP benefits for all five children.

Complaint about "voice mail" phone messages

A mother claimed a DHS child abuse investigator never replied to several messages regarding an allegation filed against the mother. A baby-sitter filed a child abuse report because the mother's daughter had a black eye and later, a bruised cheek. The mother said the injuries occurred accidentally. She claimed she left messages on the investigator's telephone "voice mail" but didn't get any return calls. The investigator never interviewed the woman or her husband, and the child was not observed until three months after the alleged incidents. The woman was frustrated, therefore, when the report was found to be "undetermined," meaning there was not clear evidence to conclude physical abuse did or did not occur. The department keeps undetermined reports for one year, then must destroy them.

The woman said there were errors in the report — including her name being misspelled — and again tried calling the investigator. This time she was successful, and the investigator promised to correct the errors — but failed

to do so. A few months later, the woman appealed the report's conclusion and asked for a day off work to go to the appeal hearing. The day before the hearing, the investigator changed the report to "unfounded," meaning the allegation was not substantiated by the evidence. While the mother was pleased the report was changed, she was frustrated she still lost a day from work.

We contacted the department and they said the investigator admitted she delayed correcting the errors. Regarding the alleged failure to return calls, the department said it does not keep records of "voice mail" messages. The department admitted isolated instances of workers failing to return calls and cited its work load. The department said the investigator contended she twice left notes at the woman's residence, but the woman claimed she never received those messages. We pointed out the department may wish to keep records of incoming calls, but the department said that would be extremely time consuming.

Agency restores Medicaid benefits

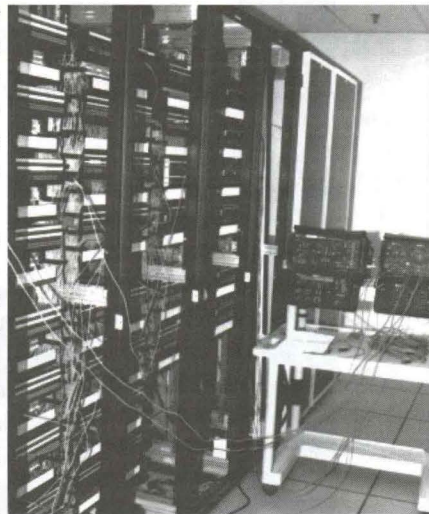
A woman called because she had not yet received her Medicaid (Title 19) card for the month, though her doctor's office said their records showed her children were eligible. She also had not yet received her reporting form to be eligible for the next month. She claimed she tried calling her DHS worker but got no response.

We contacted the department, which said she should have received a notice that her case had been closed because she had not completely filled out the previous monthly reporting form. The department said the notice

included the information (pay stubs) needed to reinstate her case. She denied receiving such a notice and claimed her worker said she would use the previous month's pay stubs for documentation. The department denied the worker had said that. Still, the department said it would reinstate her case because a supervisor questioned whether the notice was adequate. We relayed this to the woman and clarified information about the missing pay stub. She responded she had just found the pay stub that day, unaware it was the one that had been missing.

technology of the Iowa Communication Network. We took sworn testimony in a case involving a sheriff's office. It allowed us to observe individual responses and provided a video and audio record of the questioning. Without the ability to have instantaneous interactive communication either my staff or the sheriff's would have had to spend considerable travel time getting to an interview site.

The existence of an ombudsman's office in Iowa helped establish an ombudsman office in the state of Arizona. Arizona State Representative Bob Burns, an Iowa native, read



Fiber optic switch panel for ICN

about the Iowa ombudsman in a Des Moines Register article on a visit to Iowa. He thought the idea of an agency to handle citizen complaints would be valuable in his state and sponsored legislation establishing an office of Ombudsman-Citizens' Aide, modeled after Iowa. The legislation was passed in 1995, an ombudsman director has been

selected and the doors should open and the first complaints be accepted this coming summer. We are very pleased that an Iowa native helped create the first general jurisdiction state level ombudsman office in a number of years.

Deputy Citizens' Aide/Ombudsman Duncan Fowler provided valuable assistance to Representative Burns and his staff during this period. Duncan was also very helpful in coordinating a computer training program for new staff of the Russian Ombudsman office when they visited the United States in 1994. The Russians however went back to a country unwilling to accept the candor, integrity and honesty of an independent ombudsman. After several months of being harried and threatened the Russian ombudsman, Sergie Kovaler, resigned in January 1996.

A long-time member of our staff resigned in late 1995. Pat Nett had been with the office since 1972. She decided to join her husband when he opted for early retirement from the company he worked with. Pat's leaving creates a void in the office. Her knowledge of the office, its history and her cheerful telephone voice will be missed.

We are introducing an Extra Milers section this year recognizing government workers who "go the extra mile" in making government work better. There are many people we've known the past 25 years who deserve this recognition. But timing and space won't allow such a reflection. I hope the numerous unrecognized government employees who take pride in the service they provide realize this effort is for them also. Everyone should know there is a lot of good accomplished each day by many Iowa government workers.

What to do before calling the Ombudsman

A difference of opinion or misunderstanding is often resolved by simply taking the time to talk and listen.

So, if you have a problem with a state or local government agency, first take the matter up with the agency involved before calling our office. Many times an agency official will be eager to explain a specific policy or will correct the problem to your satisfaction.

Here are some good common sense steps to take when trying to resolve any "consumer" problem, whether it be with a government agency or a company in the private sector.

Be prepared. Know what questions you are going to ask (it helps to write them down). Be sure to have any relevant information you need available before you contact the agency.

Be pleasant. Treat public employees as you like to be treated. Getting angry or rude will not resolve your problem and may only confuse the real issues.

Keep records. Take notes, ask for the names and titles of employees you speak with, and save all of your correspondence.

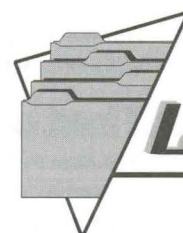
Ask questions. Ask why the agency acted as it did. Ask employees to identify the rules, policies or laws that governed their actions. Ask for copies.

Talk to the right people. Don't get angry with the first employee you meet; usually, he or she cannot make or change policy. If you cannot resolve the matter, ask to talk with a supervisor. Keep asking questions until you understand what happened and why.

Read what is sent to you (including the fine print)! Carefully read all information sent to you. Many agency decisions may be appealed, but there are deadlines. Be sure to follow appeal rules and deadlines. It's a good idea to mail your appeal certified, return receipt.

If you follow these suggestions and still cannot resolve your problem, then give us a call. Maybe we can help.

1995 Complaints Closed by Agency					
State Government	Jurisdictional Complaints	Non-Jurisdictional Complaints	Information/Referrals	Other	Total
Agriculture	2	0	5	0	7
Attorney General	15	0	29	0	44
Auditor	1	0	1	0	2
Board of Parole	32	0	15	0	47
Board of Regents	24	0	7	0	31
Citizens' Aide/Ombudsman	4	0	83	7	94
Civil Rights Commission	6	0	11	0	17
College Aid Commission	3	0	1	0	4
Commerce	8	0	25	0	33
Corrections	728	0	66	5	799
Cultural Affairs	0	0	1	0	1
Economic Development	4	0	21	1	26
Education	16	0	6	0	22
Elder Affairs	2	0	39	0	41
Employment Services	41	0	26	0	67
General Services	4	0	6	0	10
Governor & Staff	0	6	11	0	17
Human Rights	1	0	4	0	5
Human Services	401	0	36	0	437
Inspections & Appeals	16	0	11	0	27
Interstate Compact	0	2	1	0	3
Judiciary	0	79	15	0	94
Legislature & Agencies	0	5	16	0	21
Management	1	0	2	0	3
Miscellaneous Iowa Government	18	1	174	1	194
Natural Resources	24	0	28	94	146
Personnel	7	0	9	0	16
Professional Licensing	4	0	4	0	8
Public Defense	11	0	1	0	12
Public Health	6	0	20	0	26
Public Health Profession Boards	3	0	11	0	14
Public Safety	19	0	5	0	24
Revenue & Finance	35	0	15	1	51
Secretary of State	3	0	14	0	17
State Fair	1	0	2	0	3
Transportation	48	0	18	0	66
Treasurer	3	0	3	0	6
Sub Total State Government	1491	93	742	109	2435
Local Governments					
County Government	366	0	14	0	380
Municipal Government	382	0	31	0	413
Regional Government	5	0	0	0	5
Schools & School Districts	25	0	9	0	34
Sub Total Local Governments	778	0	54	0	832
Other Entities					
Non-Iowa Governments	0	70	55	0	125
Private Sector	0	687	273	69	1029
Sub Total Other Entities	0	757	328	69	1154
Total 1995 Contacts	2269	850	1124	178	4421



Law enforcement

Police department agrees to improve domestic abuse policy

A woman contacted us with concerns about the local police department's response to a domestic abuse call at her house. The two officers who responded arrested both the woman and her ex-husband, commonly referred to as a "double arrest." She claimed the officers said a "double arrest" was mandatory, contrary to Iowa's domestic abuse law. While her husband pled guilty, a judge dismissed the charge against the woman at the prosecutor's request.

After reviewing the complaint and preliminary information from the police chief, we found cause to open an investigation. We took sworn statements from the woman and both officers. We were unable to reach her ex-husband.

Based on the findings of our investigation, we made the following recommendations to the police chief:

1. Develop, provide and train officers on a departmental policy regarding the following aspects of domestic abuse investigations:

a. The duty of officers to separate the parties and interview them independently, where there is more than one party.

b. The duty of officers to ensure that witnesses, including children, are interviewed, to determine if they may corroborate, dispute or add to any statements given by the parties.

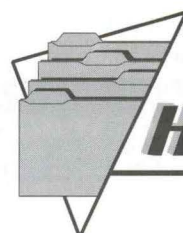
c. The duty of officers to follow up on any information indicating a party has possibly sustained bodily injury, specifically ensuring that an officer examine the area of injury when reasonable, and specifically asking the party whether medical assistance is desired.

2. Require all officers and command staff to view a videotape produced by the Iowa Law Enforcement Academy, "Domestic Abuse: The Dynamics, The Law & The Investigation" within the next six months and encourage them to review the videotape as a refresher or as needed.

We later received documentation indicating the police department had implemented our recommendations. Based on this information, we closed our investigation.

Sheriff agrees to forward alimony payments more quickly

A woman complained the local sheriff's office received monthly alimony payments on her behalf but was failing to forward them in a timely manner. The payments came from monthly garnishment of her ex-husband's Social Security benefits. We contacted the sheriff, who claimed his office forwarded the payments within two weeks of receipt. The sheriff's records, however, showed some payments were held for as long as four months before being forwarded. We pointed out this discrepancy and the sheriff agreed to have his department forward payments in a more timely fashion.



University of Iowa Hospitals and Clinics

The doctor is *not* in (if you're looking for expert testimony)

A woman claimed University of Iowa Hospitals and Clinics (UIHC) rejected her requests for an appointment because she had an attorney. After sustaining injuries in a motor vehicle accident, she saw a local doctor who she believed she had a "personality conflict" with. As a result, and because of continuing pain, she said she asked for a referral to the hospital, which initially scheduled an appointment. Before the appointment, the hospital wanted to know why she had an attorney and why the attorney wanted her to go there. After learning she had filed a lawsuit over the accident, the hospital cancelled the appointment.

We contacted the hospital, which said its orthopedic clinic routinely screens referrals to avoid treating people who are trying to get testimony for a pending lawsuit. The hospital's policy is to treat people who need the care instead of those looking for expert testimony. The hospital offered to review the case. After consulting with the doctor who had refused treatment, the hospital reported that the medical reports on file indicated the woman's injuries had not healed. If that was still the case, the hospital said the orthopedic clinic would agree to see the woman.

We tried to relay this to her but were unsuccessful. Her attorney said he also had been unable to reach her, but he would try to relay this information. Seven months later, the woman re-contacted us and we were finally able to relay the information from the hospital.

"State Papers" may cure outstanding bill

A woman called about an outstanding bill from UIHC, where her husband received substance abuse treatment. They still owed more than \$6,000, in addition to about \$3,000 in bills from two other hospitals. Their insurance policy didn't cover the bills.

She said the hospital wanted at least \$185 a month or it would go to a collection agency, but they could not afford to make that kind of payment. We contacted the hospital, which said the costs could be paid through the "state papers" program. Their records showed they asked the woman for financial information to see if they were eligible for a lower monthly payment but she refused, saying her lawyer advised she didn't have to give that information. Their records also showed the woman refused to contact Broadlawns Medical Center — where Polk County residents can obtain "state papers" — because a Broadlawns clerk already told her she was not eligible (she later said she wasn't sure what type of assistance that was for.)

It was determined she could apply for retroactive "state papers" through Broadlawns, or she could send financial information to the hospital in hopes of reducing the minimum monthly payment. The hospital said she needed to act soon because the case would soon go to a collection agency, at which point the hospital is no longer involved. We relayed this information to the woman and suggested she contact the hospital as soon as possible.

Handy 800 numbers



STATE GOVERNMENT

AIDS Hotline	1-800-445-2437
Attorney General (Child Support Public Awareness Project)	1-800-374-5437
Child Abuse/Dependent Adult Hotline	1-800-362-2178
Civil Rights Commission	1-800-457-4416
Citizens' Aide/Ombudsman	1-800-358-5510
Collections Service Center (child support)	1-800-223-1302
Commission on the Status of Women	1-800-558-4427
Crime Victim Assistance Division	1-800-373-5044
Department for the Blind	1-800-362-2587
Department of Employment Services	1-800-562-4692 TTY: 1-800-831-1399
Department of Human Services	1-800-972-2017
Department of Inspections and Appeals, Health Facilities Division (questions about home health agencies)	1-800-383-4920
Department of Revenue and Finance, Taxpayer Services	1-800-367-3388
Department of Transportation	1-800-532-1121
Division of Vocational Rehabilitation	1-800-532-1486
Gambling Treatment Helpline	1-800-238-7633
Iowa Client Assistance Program (advocacy for clients of Vocational Rehabilitation and Blind Commission)	1-800-652-4298
Iowa COMPASS (information and referral for Iowans with disabilities and their families)	1-800-779-2001
Iowa State Fair (number only active from June to the end of the fair)	1-800-545-FAIR
Long Term Care Ombudsman (inquiries concerning nursing homes and other long-term care facilities)	1-800-532-3213
Radon Line	1-800-383-5992
Small Business Development	1-800-532-1216
State Patrol Highway Emergency Helpline	1-800-525-5555
Tourism Information	1-800-345-4692

ISU EXTENSION HOTLINES

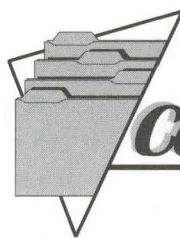
Iowa Concern (for stress counseling, money problems, legal questions and other areas)	1-800-447-1985
Healthy Families (for questions and referrals on maternity health services)	1-800-369-2229
Home Economics (for questions about home and family issues)	1-800-262-3804
Horticulture (for questions about home gardening and house plants)	1-800-262-2224
Teen Line (provides health information for teens)	1-800-443-8336

FEDERAL GOVERNMENT

Federal information hotline	1-800-688-9889
Equal Employment Opportunity Commission	1-800-669-4000 [TTY: 1-800-800-3302]

MISCELLANEOUS

Better Business Bureau	1-800-222-1600
Domestic abuse hotline	1-800-942-0333
Iowa Conflict Resolution Project (joint effort between Iowa Mediation and Iowa Peace Institute)	1-800-446-2318
Iowa Protection and Advocacy (for people with disabilities)	1-800-779-2502
Lawyer Referral Service (Iowa State Bar Association)	1-800-532-1108
Legal Services Corporation of Iowa	1-800-532-1503
Youth Law Center	1-800-728-1172



Communication fixes

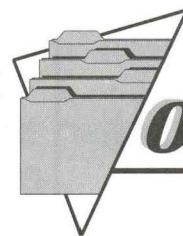
Agency fixes phone message

A man complained about an automated answering system on a telephone hotline offered by the Bureau of Collections (child support). The man, who had a rotary-dial phone, said the message failed to warn that the choices offered were accessible only with a touch-tone phone. As a result, he had to listen for more than 10 minutes — long distance — before learning he had wasted his time and money. We called the hotline and found he was right — while the message told callers with rotary-dial phones to “remain on the line for further instructions,” no further instructions were offered.

We ask the department to correct the problem, at least by editing the message to give a number to call for people without touch-tone phones. About a month later, we found the problem was partly rectified — the message was edited so payors of support who don't have touch-tone phones could access the hotline information. But the same problem still existed for recipients of support without touch-tone phones. We thanked the department for the partial resolution and asked for continued work towards complete resolution. About two months later, the message was changed for recipients of support without touch-tone phones.

Tired of holding, man calls Ombudsman

A man was having trouble contacting the Department of Revenue and Finance. He had mailed an amended tax return and wanted to see if there was anything else he needed to do. For several days, he continually tried calling the department toll-free at 1-800-367-3388, but kept getting a message that said, “All of our agents are busy, please stay on the line....” One time he stayed on the line for 30 minutes without success. Finally, he called our office and explained his predicament. We called the department and learned they had been receiving lots of calls that week because it was a busy time of year. At our request, they called the man later that day and his questions were answered.



Other state agencies

Agency provides refund, information about auto repair shop

A man claimed the Consumer Protection Division of the Attorney General's office “illegally” closed his complaint about a car mechanic. While he did get a full refund, he was concerned the division closed his complaint without telling him the name of the mechanic involved. He sent a letter of complaint to the division. While he did not get a direct response, he did get the name of the mechanic a month and a half later. We contacted the division and its investigator said she closed the case after the man got a refund because he had an attorney and was considering filing a lawsuit. In response to the man's complaint letter, the investigator reopened the case and at her request, the auto dealer provided the mechanic's name to the man. We told the investigator it may have been helpful to update the man at that point. While we shared this with the man, we also told him we did not believe the investigator acted inappropriately.

Coach avoids foul with Department of Education

A high school coach wanted to run a summer fitness program for students, athletes and non-athletes alike. He was concerned that, under rules of the State Department of Education, contact with student-athletes in the program would count toward the limited number of contact days (10) a coach could have outside his sport's season. He understood the need to limit a coach's access to athletes outside the season, but he wanted to focus on overall physical fitness not specific to any sport. He wondered if there were other alternatives to keep some limits and still allow a program like his to exist.

We contacted legal counsel for the department, who said the department and the high school athletic unions were going to be reviewing these rules. She said in a similar program, all the drills were football-related and a notice included a reminder not to forget football shoes. She agreed to discuss this case at a meeting with the athletic unions.

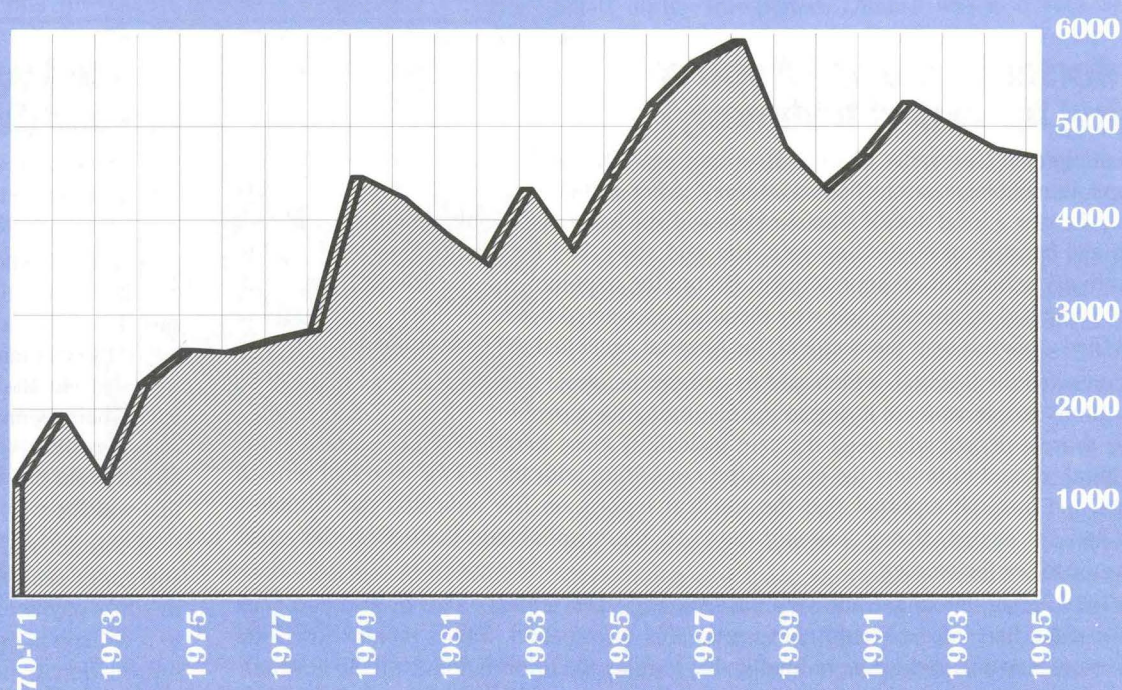
The coach later reported the rules were changed to allow fitness programs without counting towards the coach's contact with student-athletes, as long as the coach was not working with athletes in the sport he coached.

Department of Employment Services clarifies waiver policy

An employer complained about being penalized \$26 by the Department of Employment Services for a late unemployment tax return. He said the department did not send the required report form. We did not pursue this particular issue, because he could apply for a waiver and employers ultimately are responsible for filing those returns. However, we were concerned when he claimed a department worker told him waivers were offered on a “one-time only” basis to employers.

We contacted the worker, who said it was her understanding waivers are generally granted only once, although multiple waivers may be given in rare cases. She acknowledged state law and administrative rules did not limit the number of waivers for each employer. We contacted the section supervisor, who checked with field staff and found some staff believed employers could only get one waiver. The supervisor agreed with our suggestion to provide written clarification to all staff that employers are not limited to only one waiver and each request should be decided on its own merits. The supervisor later provided us with a copy of a clarification memorandum to staff and a change to the Tax Section's Collection Manual. The memo stated in part, “... there is no limitation to the number of waivers allowed an employer and that each request is considered on its own merits by the reviewing collections officer; however, an employer's past history will be taken into account when reviewing each request.”

Inquiries per year, 1970 to 1995



Message from the Prison Ombudsman

This column was written by Judith Milosevich, Assistant Ombudsman for Corrections.

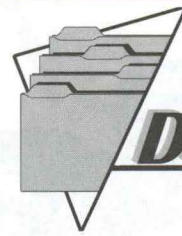
There are many issues I believe could be highlighted in this column as significant accomplishments in the corrections field in 1995. The most significant by my assessment must be the major modifications made to the Iowa Department of Corrections (DOC) Use of Force. This is the direct result of our Critical Report 94-1 in which we strongly criticized the Department of Corrections (DOC) on the implementation of their existing policy.

After several meetings among representatives from the various institutions, and drafts submitted to our office for review and comments, the new policy was released and all institutions were ordered to make any necessary modifications to their own policies so they did not conflict with the departmental policy. New officers will be taught verbal de-escalation techniques at the corrections' academy. Institutions that did not previously have video cameras to tape cell extractions and/or forced moves, now have cameras. DOC officials recently told us the addition of the video cameras has made the single biggest reduction in the number of Uses of Force and the amount of force required. The camera impartially documents everything.

This report also criticized the DOC in their identification and treatment of mentally ill offenders. At the time we released our report, only three percent of the prison population was identified as mentally ill. Since release of our report, the number of identified mentally ill inmates in the Iowa prison system has increased to around five percent. However, most experts believe mentally ill inmates account for 10 to 15 percent of the prison population.

Some examples of other complaints which resulted in a systemic change to department-wide policies are described on this page. The contraband cases described in this report resulted in a modification and clarification to that policy. In these two examples, the items confiscated were not illegal items, but simply were not allowed according to institution policies. The existing policies were not being consistently followed and much "legal," though disallowed, contraband was being destroyed without the proper authority.

Another complaint which resulted in a department-wide policy change was how many minor disciplinary reports does an inmate have to receive before a Habitual Class II Offender can be filed. We found a wide disparity among the eight institutions. While this issue may not seem important on the surface, it can have a dramatic effect on the amount of time an inmate will ultimately serve. In addition to losing "good" time, major disciplinary reports can affect custody scores which determine where an inmate is housed and that inmate's potential for release. Certain inmates whose behavior is aggressive or predatory should serve longer sentences, but those guilty of chronic minor infractions may not require lengthy incarceration.



Department of Corrections

Plumbing fixed after 17 years

Several inmates at the Iowa State Men's Reformatory (ISMR) at Anamosa complained about plumbing problems in Living Unit A. Flushing a toilet in one cell caused some of the waste to bubble up in a neighboring cell. Inmates filed grievances. Prison officials told them to talk with inmates in the neighboring cell and coordinate so both flushed their toilets at once. Prison staff said "it may be a bit offensive, but there is nothing unsanitary about someone else's waste in your stool."

The state Department of Public Health disagreed, citing some risk of transmission of disease by such a method. We found the problem originated when the cellhouse was remodeled in 1978. A second company took over the remodeling and changed the design to a plumbing fitting which permitted the offensive flow between pairs of cells. We pointed out some problems with flushing two cells at once: Some inmates may not cooperate and inmates making noise at certain hours may receive disciplinary reports.

We asked whether it may be fixed and learned prison officials, fearing costs of hundreds of thousands of dollars for replacing plumbing in narrow pipe chases, had never sought estimates. We persuaded the warden's office to seek estimates, which came back at about \$5,500 plus 100 hours of labor. Repairs were completed February 9, 1995, and the inmates in the 57 cells could flush separately.

Habitual offender policies made consistent

An inmate at the Iowa Correctional Institute for Women wrote complaining that this institution was suddenly enforcing a rule violation which allowed security staff to write a major disciplinary report on an inmate who had accumulated three or more minor reports within a 90 day period. The inmate explained the institution was not waiting for an inmate to pick up a new minor in order to enforce this rule, but was combing inmate files to determine who might deserve this enhancement.

We reviewed disciplinary policies and discovered a wide disparity in the numbers of minor reports which could be enhanced to a major. (Minor disciplinary reports are written for behavior such as littering, smoking, obscene language. Major disciplinary reports may result in loss of good time or time in segregation.) At the institution where the complaint originated, an inmate only needed three minor reports in a 90-day period to earn a Habitual Class II Offender report (a major rule violation). But inmates at another institution needed eight reports in 60 days to receive that major report.

We contacted a Department of Corrections central office official about this issue and he promised to bring this topic up at the next wardens' meeting to see if these officials could agree on a consistent policy. At this wardens' meeting the wardens and superintendents at all eight Iowa correctional institutions agreed to modify their policies to seven minor reports received within 60 days could result in a major report for a Habitual Class II offender.

Prison destroys street-legal property

An inmate at the Iowa State Penitentiary complained he had submitted a Tort Claim for headphones which had been confiscated and later destroyed. We contacted the institution's grievance officer. He said the headphones were confiscated as "altered property" and the inmate received a disciplinary report for possession of "altered property."

The inmate claimed he had not altered the headphones. He said they were broken and new ones had been ordered when he received this report. To get the new ones, he believed he must turn in his old ones, the only reason he kept them.

At the report hearing, the administrative law judge ordered the headphones be destroyed. However, destruction of property is not an allowable sanction within DOC disciplinary policy. The contraband policy allows the inmate to decide whether to destroy the property or send it out (if the item is not illegal).

After discussion with the Deputy Director for Institutions, and at his direction, we instructed the inmate to re-file his Tort Claim directly to the Deputy Director and he would review it in light of the information we provided about the policies. We followed up with department central office staff and they agreed to pay the inmate's Tort Claim.

This case raised the larger issue of disposal of contraband, not illegal but resulting in disciplinary reports. The institutions' practices have generally been to destroy that property, contrary to their own policies. We asked the Deputy Director to review disciplinary, contraband, and property policies and determine how property should be disposed. The Deputy Director later advised all wardens and superintendents that disposition of all contraband which is not illegal or has not been altered will be the inmate's choice of whether to have the property destroyed or sent out at his/her expense.

By the time this issue was finally resolved, this complainant had discharged his sentence. We located him and ensured the check was mailed to the correct address.

In a similar case, an inmate at the Iowa Correctional Institute for Women complained her diamond earrings were confiscated and reportedly destroyed, but she has no proof they were or the actual disposition of these contraband items.

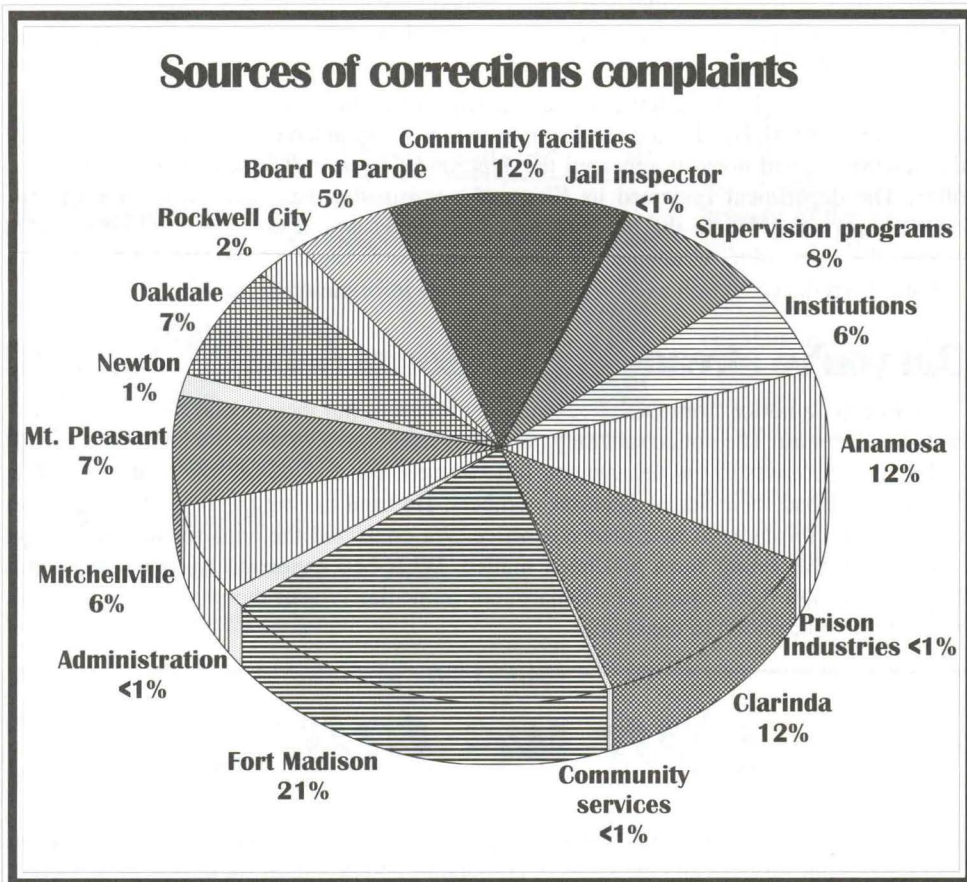
She had arranged to have the earrings brought to her during a visit. She admitted knowing they were contraband, but wanted to be able to wear one nice thing. The earrings were confiscated and she received a report for possession of contraband. At our suggestion, she filed a grievance and followed with a Tort Claim.

The institution response to the grievance said it would assume responsibility for personal property "only if it is taken into our possession for processing." The institution denied the grievance and gave no explanation of the property's disposition.

After clarification of the contraband policy described in the previous case, we contacted the Deputy Director of Institutions about this case. He ordered the institution to allow the inmate to determine disposition of the property.

We relayed that information to the inmate, but she had been paroled to another state and the letter was returned. Several months later, we learned she never received this property. We contacted the Deputy Director and learned the institution refused to follow his instructions. Throughout this case, the earrings were held in a safe at the institution. The institution claimed again since ownership of the earrings could not be proven, they would not send them to the inmate.

We persisted by asking how the inmate could prove ownership and suggested that, if no other inmate claimed these, common sense dictate the earrings be sent to the inmate. The institution initially refused again, but after we continued to follow-up, the institution finally relented and sent the earrings to the inmate. She later wrote us thanking for our help.



Prisons hear complaints but don't listen

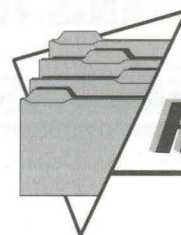
A deaf woman complained about visitation at Clarinda Correctional Facility. She wanted to visit an inmate, but was refused for wearing sweat pants. She argued with prison officials and said she swore, through sign language, when she asked where the rules were prohibiting sweat pants. No prison officials knew sign language, and the woman's 7-year-old daughter tried to translate. Prison officials believe the woman directed an obscene gesture toward them, and suspended her visitation privileges for 30 days.

The woman contended she pointed to the wall where the rules were posted as she asked about sweat pants, "Where the ---- are the rules?" Prison officials admitted the rule against sweat pants was not posted, because it had recently been added.

Prison officials met with the woman a month later to discuss resuming visitation. She told us she wanted a qualified sign language interpreter present. Whether she asked the same from prison officials, or whether they talked her out of it, is unclear. But our office believes the federal Americans with Disabilities Act (ADA) requires interpreters be provided on request (but not for her communication with the inmate.)

The prison thought the inmate could translate for the woman, though he was not a qualified interpreter. We provided information and argued with the prison administration and Department of Corrections Central Office, without prevailing. Department officials told the prison it did not have to provide a qualified interpreter if they intended to allow visits to resume. Visits did ultimately resume, which pleased the woman.

In a similar case, an inmate with total hearing loss in one ear complained the Iowa State Men's Reformatory refused to accommodate him. He couldn't hear the breakfast buzzer if he was sleeping on his good ear and missed the majority of morning meals in a two-week span. The prison's policies, and the federal ADA, require the prison to accommodate people with disabilities. The inmate asked that officers yell to wake him for breakfast, but the prison refused. The prison approved his request that staff be told of his hearing loss. The inmate did not follow through with his complaint to our office but said he was "going for a lawsuit."



Revenue and Finance

"Drug stamp" taxpayers better informed of rights

A woman complained about DORF's actions concerning a "drug stamp" tax assessment. She had received a jeopardy assessment notice for "drug stamp" taxes on marijuana totalling nearly \$40,000, which she believed was excessive. The next day, department agents and the sheriff's department showed up demanding payment. When she said she could not pay, they served papers on her and seized her property towards payment of the tax. They gave her a copy of the rules for filing a protest, but she got no written information on the jeopardy assessment procedures, including her right to post a bond to prevent seizure or sale of her property. She questioned whether she had been given due process, noting her property was seized the day after getting the assessment notice.

We decided the woman's complaint of excessive assessment would be best resolved in the protest she filed. We later learned she won her protest because the department had based its computation on federal sentencing guidelines which the state had not adopted. We decided to pursue questions about the adequacy of the department's notices to taxpayers regarding their right to post bond and to appeal.

Because the department could potentially seize property without much warning, we suggested the department revise its assessment notices to clearly indicate the reason for the assessment and the rights to post bond and file a protest. The department later made these changes and produced a brochure informing taxpayers of their rights and obligations in "drug stamp" tax assessments; this brochure is now sent with the assessment notice. We believe these documents will provide timely and valuable information to taxpayers about the drug stamp tax assessment process.

Agency recalls account from collection agency

A man complained collection agencies were hounding him on a matter he thought was resolved. It started in 1988, when DORF found his company owed \$3,400 in sales tax. The man said he turned it over to his attorneys to handle. He provided documentation indicating he did little or nothing to try to resolve the matter from 1989 to 1995. Included was a 1994 DORF notice which the man did not respond to, because he thought his attorneys had resolved it. A year later, a collection agency called him, saying his debt had grown to about \$25,000 due to interest and penalties. He contacted our office, saying he simply did not have that kind of money.

He also provided a 1992 letter to the department in which his attorney offered to settle the matter for \$100. He claimed the department never responded to that offer. We contacted the department and noted it appeared the department never responded to the compromise offer. The department reviewed its files and confirmed it had failed to respond to the compromise offer. While the department said it likely would not accept \$100, it would contact the man and try to negotiate a compromise. As a result, the department recalled the account from the collection agency. We relayed this information to the man.

But you've already got our Social Security numbers!

A couple got a notice from DORF saying they forgot to put their Social Security numbers on their tax return. The notice said they needed to send copies of their Social Security Cards and driver's licenses to the department. Interestingly, the man noted, the mailing label on the envelope had their Social Security numbers. He tried calling the department but was unable to get through, so he called our office. We contacted the department. They found that indeed, the wrong form had been mailed. What had happened was the couple had forgotten to sign their return. The department immediately sent the proper form out. We relayed the information to the couple.

Can we talk...

... to your organization or group? Staff from the Ombudsman's Office are available to give talks about our services and the kinds of complaints and problems we deal with. A video about the office is also available. Brochures and newsletters are available in quantity.

CITIZENS' AIDE/OMBUDSMAN
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EXTRA MILERS

Public employees we recognize as special because they make a habit of delivering top quality service

- John Billings Boeye, Red Oak City Attorney — for his open and honest response to a complaint involving open meetings, and corrective action to prevent the problem from continuing.
- John Blessman, director of Bureau of Standards and Inspections, Department of Public Safety — for being completely responsive, thorough and of major assistance each time our office has asked for information or referred complaints.
- Diane Darnielle, Department of Human Services, office of field support — for being a frequent information source for our office and willing to take the time to explain difficult issues
- Krista Dennis, graphic artist, Division of Printing and Records Management — the creative person whose talents bring a sparkle to many of the state's publications and brochures.
- Wendell Dickey, Department of Revenue and Finance — for being consistently helpful and responsive
- Cynthia Eisenhauer, Director of Department of Employment Services — for being open-minded and receptive to suggestions or recommendations.
- Bill Hesson, University of Iowa Hospitals and Clinics — for making a habit of being pleasant, polite, helpful and responsive.
- Tom Kisch, Bureau of Collections — for always doing his best to cut through the "red tape."
- Barb Lacina, child support recovery officer — for being very responsive, helpful and timely.
- Lieutenant Colonel Ed Stroble, Judge Advocate General's Office, Iowa National Guard — for being of great assistance in resolving citizen and Guard-member issues involving state agencies.
- Cindy Voorde, Calhoun County Attorney — for calling our office in an effort to help a man who claimed he had been a victim of a case of mistaken identity in Arizona. We were struck by the fact that Voorde was trying to help the man as she prepared to prosecute him on an unrelated driving charge in Iowa.
- Lynn Walding, Attorney General's office — for being a great source of information concerning local government issues.
- Marvin Wilson, chief jailer, Polk County Jail — for being a constant information source for our office concerning jail complaints.

STATE OF IOWA

IOWA
OMBUDSMAN

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