

# OMBUDSMAN'S REPORT

## 1997



Annual report of the Iowa Citizens' Aide/Ombudsman

April 1998

### Highlights



Handy 800 numbers

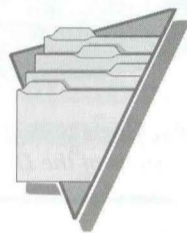
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Government extra milers

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### From the Ombudsman's case files



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Have a complaint or question about state or local government? Call us toll-free at 1-888-426-6283 (or 281-3592 in the Des Moines area.) Maybe we can help!

See page 4 article, "What to do before calling the Ombudsman"

### Ombudsman: Helping make good governments better

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 Iowa Code 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.

The ombudsman system is based upon the principle that every person has a right to have his or her grievances against government heard and if justified, satisfied.

### NURSING HOME REPORT



A sampling of the media coverage about the Ombudsman's report criticizing the agency which oversees Iowa's nursing homes.

### Ombudsman criticizes nursing home regulators

The agency charged with overseeing Iowa's nursing homes did not do an adequate job from 1988 to 1996, according to a report released by the Ombudsman's office in November 1997.

The report said that without further study, the Ombudsman is unable to conclude whether the Department of Inspections and Appeals (DIA) is now doing an adequate job. The 66-page report was based on an investigation of DIA's oversight of two nursing homes — Mahaska Manor in Oskaloosa and Elmwood Care Centre in Onawa.

The investigation found 41 specific instances from 1988 to 1996 where the Ombudsman concluded DIA should have taken some kind of enforcement action but did not. Included were instances where residents sustained physical injuries — including two who died — in connection with a nursing home's failure to meet federal and state standards.

"Rather than revealing a proactive approach to enforcement, this investigation portrayed DIA as an agency often reluctant to use enforcement, even when mandated," the report said.

The report added that such a reactive view of enforcement — by the agency assigned to oversee facilities receiving millions of taxpayer dollars — has two troubling and significant implications:

- Residents may not have been getting the quality of care and quality of life they deserve and required by law.

DIA (Continued on page 6)

### Message from the Ombudsman

A significant administrative change took place in this office in 1997. In August, Deputy Citizens' Aide/Ombudsman Duncan Fowler resigned to take the position of Ombudsman for King County (Seattle) Washington. I appointed Ruth Cooperrider as Deputy in November. Ruth has served as Legal Counsel in the office for eight years and as our representative on the Child Support Advisory Committee for three years. She will continue performing those duties as well as helping manage the office.



William P. Angrick II

Ruth also plays a very important role for us in the national ombudsman community, serving on the Ombudsman Committee of the American Bar Association. Maintaining our ties in the national and international ombudsman communities is becoming increasingly important to Iowa. There has been an emergence of private organizational ombudsman offices over the last decade. These offices do not operate in the same manner as the Iowa Citizens' Aide/Ombudsman and other governmental om-

### Complaints and complaint investigations are management tools - part of a proactive way of doing business.

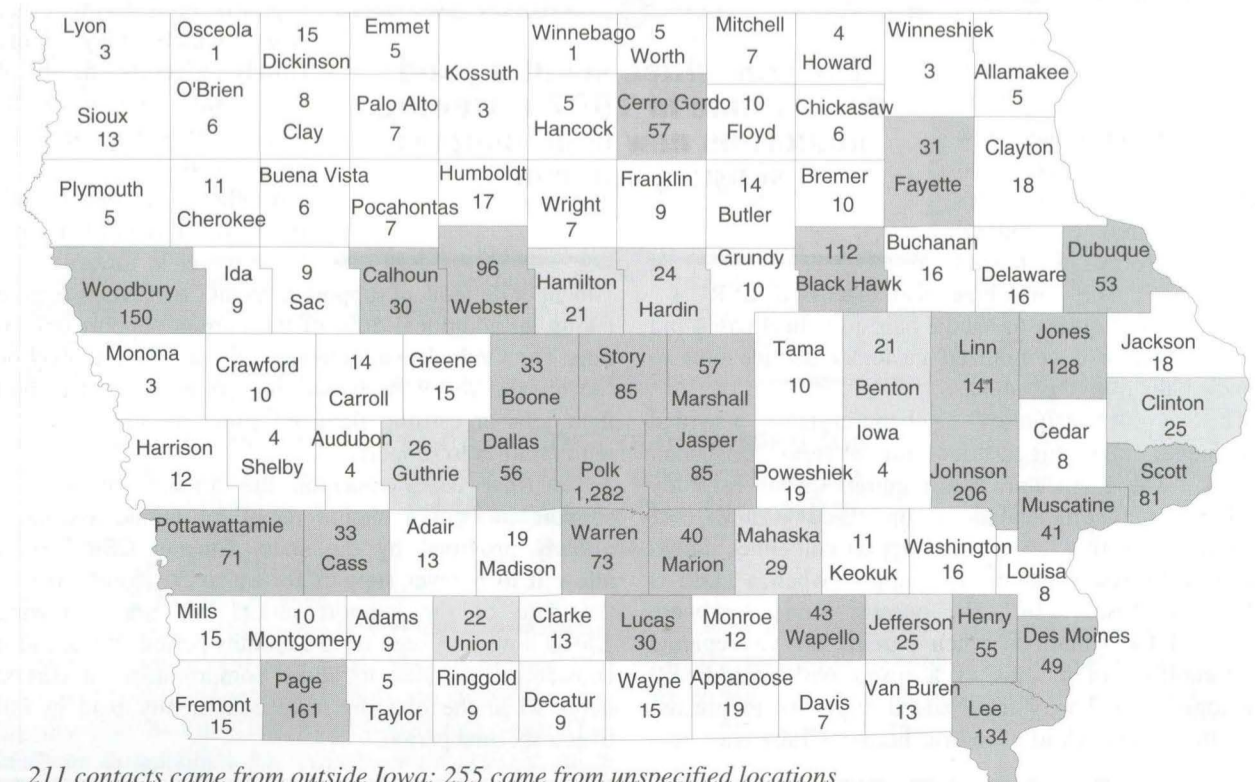
budsmen. They tend not to conduct investigations, make findings, issue reports or keep case records. Yet they have a high profile in Washington D.C. and increasingly are seeking congressional action affording them confidential privileges and in the process may impact the confidentiality and access to information crucial to governmental ombudsmen and citizen clients.

During the year, we were visited by Sayera Rashidova, newly appointed Ombudsman for Uzbekistan, a former republic of the Soviet Union. Mrs. Rashidova and her colleagues spent several days learning our office management and case investigation systems. Later in 1997, we were visited by Donna Woo, Deputy Ombudsman for Hawaii, and several members of the Hawaiian Ombudsman staff. We shared information on agency operation and how to effectively respond to and resolve complaints.

The Iowa Citizens' Aide/Ombudsman received 4,749 new contacts in 1997 and closed 4,682 cases during the year, including cases from previous years. The proportions of contacts about specific agencies or levels of

ANGRICK (Continued on page 4)

### Where's your county? Contacts closed by Citizens' Aide/Ombudsman in 1997



211 contacts came from outside Iowa; 255 came from unspecified locations



## When the issue is trust

A woman was adamant that she was being lied to. She did not believe a child support check had been mailed to her by the Collections Services Center (CSC) of the Department of Human Services. She said she no longer trusted CSC and needed her money *now*.

CSC claimed it mailed the check two or three days after receipt. But she was suspicious because CSC used a secondary address she had not given them. She did have two mailing addresses, but the check had not arrived at either. At least a week had passed since it was purportedly mailed.

We immediately contacted a CSC worker. He confirmed the check was

mailed to a different address. He suggested the woman had filed an address change with the post office, which would have relayed it to CSC. He said she could fill out a form to get a replacement check, but it would be seven to ten days before she'd get it.

We reported back to the woman. She insisted she had not filed an address change. And she could not wait another week for her money. She tried to get the post office to put a trace on the check. But they told her any request for a trace would have to be made by the sender, CSC.

She also said a Child Support Recovery Unit (CSRU) worker told her that a computer program which looks for addresses of payors of support had recently been updated to include a search for addresses of recipients of support. This change was made because sometimes CSC collects child support payments but can't find the recipient. The CSRU worker told her the new program had generated her secondary address. This somehow replaced the address she had specified as

where she wanted payments mailed to.

We relayed the new information to CSC. We shared her request that CSC ask the post office to trace the check. And we noted CSC may have a systemic problem with the address sweep program, which the CSC worker did not acknowledge.

But the CSC worker refused to request a post office trace. After talking with the woman directly, he repeated his claim that CSC had mailed the check in a timely manner, it was apparently lost in the mail,

and she could sign the waiver form if she wanted a new check.

Soon after, we happened to receive an electronic "e-mail" message from

the same CSC worker. It was distributed to a wide range of CSRU and CSC personnel and was copied to our office. The message described a possible systemic problem with the address sweep program, citing this case.

We called the CSC worker. Soon after, he left a message indicating he had hand-delivered a waiver form to the woman at her home. She signed it, he notarized it, and he then expedited the process for cutting a new check. And he delivered the new check to her in person the next day.

We don't expect workers to provide this type of personal service in most cases, nor did we ask for it in this case. But we do encourage government employees to keep an open mind when they get complaints, and to acknowledge a mistake or fix a problem when it's discovered.

We don't know what happened to the first check. But CSC became aware of a computer program problem. And the woman finally got her money.

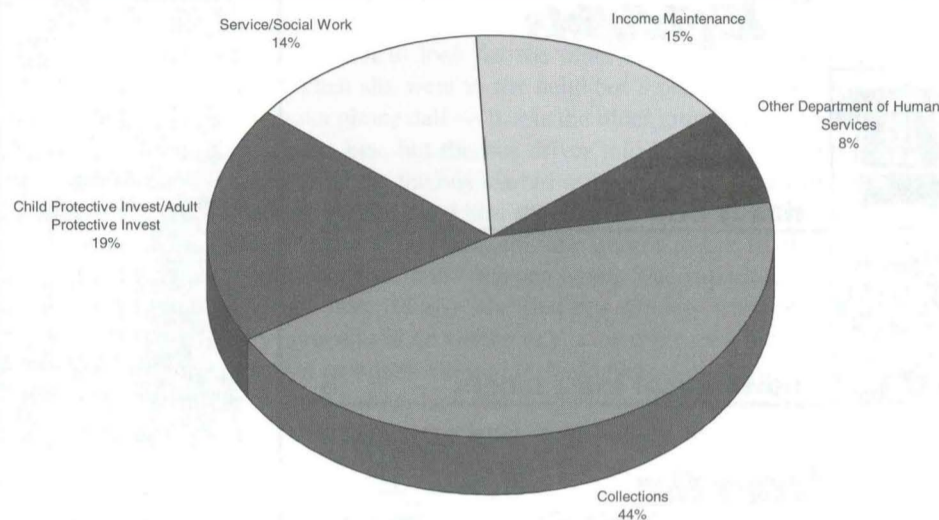
**We don't know what happened to the first check. But CSC became aware of a computer program problem. And the woman finally got her money.**

## Overpayment leads to refund

A man complained the Child Support Recovery Unit (CSRU) took too much of his income for delinquent support. In 1996, a CSRU worker calculated he was \$630 behind and issued an income withholding order for him to pay it off at \$90 per month. Eleven months later he received an amended order showing his delinquency was paid off.

The man claimed it should have been paid off sooner, because the \$90 was withheld from his paycheck regularly. After reviewing the orders and CSRU's payment record, we found an overpayment might have occurred. We presented this to CSRU and asked that they review the case to see if he had overpaid. CSRU confirmed he had overpaid \$270, so they refunded it to him.

## A breakdown of DHS complaints



This chart shows the proportion of contacts closed by the Ombudsman's office in 1997 involving the various divisions of the Department of Human Services.

## Tax payments not reported, delays follow

A woman complained about two child support payments that the Collection Services Center (CSC) of the Department of Human Services (DHS) received but had not sent on to her. Iowa law requires CSC to send payments within two working days of receipt.

We contacted CSC. They said they had just received information from the Department of Revenue and Finance (DORF) that there was a problem certifying payments received the previous Wednesday. The checks were going out a day late, on Monday.

CSC said there was no problem with payments received on Thursday. But there was concern that monies received on Friday might not get distributed by Tuesday, as required. CSC suggested the woman check the automated system on Wednesday to see if that money was distributed. The CSC representative verified the next day the check would be sent a day late. We relayed this to the woman.

We contacted DHS. They said their staff informs DORF the total amount of monies received each day and the number of checks that need to be written. If this information is not submitted to DORF, the checks are not issued. There are three totals that are submitted — federal tax, state tax, and cash payments. On the days of the problems, two of the totals were not submitted. The DHS official said she didn't know that state and federal taxes were being processed. In turn, she had not relayed those totals to DORF. She had already taken steps to ensure DORF was informed when the taxes were received and processed.

## Child Support Advisory Committee



Deputy and Legal Counsel Ruth Cooperrider

By law, the Ombudsman's office has a representative on the Child Support Advisory Committee, which gives input about the Child Support Recovery Unit's (CSRU's) policies and operations. I serve as the Ombudsman's representative on the committee. I also chair a subcommittee to review the child support guidelines and policy issues.

The committee spent

a good deal of time in 1997 reviewing numerous new child support statutes and rules; some of the changes were required by federal welfare reform laws passed in 1996-97. The committee also discussed CSRU's contract with Equifax to handle hard-to-collect cases and the creation of a centralized customer service unit to handle calls from the public.

The guidelines/policy subcommittee provided comments and suggestions on several important issues. The Legislature has required CSRU to study and make recommendations on these issues. One concerned whether the existing support guidelines should be used to assess parents for support when a child is placed in foster care. The current guidelines were designed for situations when parents are in separate households, but parents of a foster child could still be together and may have added expenses to prepare for the foster child's return home. Consensus was

reached on a recommendation to give all parents of foster children a 30% deduction on their obligation.

The three studies mandated by the Legislature in 1997 are still in process. The first issue deals with what income figure CSRU should use in setting support for a parent whose income information was not provided or is not available. Currently, CSRU uses a figure equal to 80% of the median income of an employed single worker, as determined by the federal government. The Ombudsman believes

that figure is too high and supports considering other rates which may more closely reflect the income of the average obligor or the incomes of workers in similar occupations.

Another issue being studied is the amount of income to be withheld towards payment of delinquent support. Current CSRU rules require taking an additional 50% of the current support obligation. The Ombudsman believes a fixed 50% rate may be too high in many cases, causing some obligors to quit their jobs or causing financial strain on some obligors with families to support.

The final issue concerns the amount of accrued support an obligor should repay for public assistance already provided by the state. Current CSRU rules allow it to recover support for up to 36 months before the date of the support order. We are reviewing CSRU's wish to keep the 36 months period. We are also considering an idea to allow compromises on certain debts when the obligors have consistently paid in full over a set time period.

**The committee spent a good deal of time in 1997 reviewing numerous new child support statutes and rules.**

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1997

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This publication was released by the Office of the Citizens' Aide/Ombudsman, which printed 10,000 copies at a cost of 19.2 cents per copy, to provide an annual report to the legislature, the governor and the public.

## Ombudsman helps fix parking ticket problem

How can you get a parking ticket from a town you haven't been to in 50 years?

That was the problem for an 85 year old man the day he called us. In his morning mail was a notice from a city about 80 miles from the small town where he lives. It said he had failed to pay a parking ticket from the month before. And if he didn't pay the five dollars that same day, the fine would double.

The man said he hadn't been to the city since the 1940s. As for the chance of him being there the month before, he chuckled and said the farthest he goes is the county seat about 15 miles away.

The notice indicated a hearing could be requested and gave a phone number. The man thought about calling, but said his experience told him that he might run up a sizable phone bill trying to get the problem resolved.

He had seen our office's toll-free number and decided to give us a call. After listening to his problem, we called the phone number in the notice. In a conversation that lasted less than five minutes, a city employee reviewed their records and said it appeared there was an error: It looked like one of the letters in the license plate number was recorded incorrectly.

We gave her the man's phone number and asked her to call him. A few minutes later, we got a phone message from the man stating, "Everything is all clear and want to thank you for everything."

## Council disbands committees after closed-meeting complaints

We received two contacts about a city council's standing committees holding closed meetings in violation of the Iowa Open Meetings Law [Code section 21.2(h)]. The issue had been raised to the city attorney who wrote an opinion that these committees were not required by law to have open meetings.

We reviewed an Attorney General's (AG) opinion that appeared to give credence to the argument that these meetings should be open to the public. The city attorney's opinion was written after this AG's opinion was issued. We also learned the Attorney General was in the process of issuing an informal opinion specific to this matter.

The informal opinion also held that standing committee meetings should be open to the public. The complainants gave a copy of the informal opinion to the city council and city attorney, but the meetings remained closed.

We issued notice of formal investigation to the council on the allegation that its committees were holding closed meetings contrary to law. Thirteen days later, the city responded that the council had passed a resolution to eliminate all the standing committees. The resolution also said any special committees created by city officials shall comply with Iowa's Open Meetings Law. As a result, we closed our investigation.

## Ombudsman helps council set fair rate for copying fees

Having to pay a dollar per page to get copies of city documents seemed excessive to a resident of a small town. So he contacted our office.

After reviewing his complaint, we wrote city officials to get more information. Our letter noted the Iowa Open Records Law states in part, "The fee for the copying service as determined by the lawful custodian shall not exceed the cost of providing the service." [Iowa Code section 22.3]

We also sent a copy of an opinion of the Iowa Attorney General which held that the copying fee "must represent only the actual costs involved in satisfying the request for examination and/or copies."

The City Council confirmed that it had raised the copying fee to a dollar per page the year before. Members said they were open to lowering the fee but were concerned about time-consuming requests for copies of records. They asked for our advice on setting a fair charge.

We researched the issue and suggested the council could adopt two types of charges for copies:

- A flat "per-page" rate, based on the actual cost of providing the copy, including paper and toner costs, but not including the cost of the copier or depreciation.
- An hourly rate, based on the hourly pay for the staff person doing the research and making the copies, as well as the amount of time it takes to meet the request.

We noted it would be reasonable to charge both fees to most requests, but that it might be fair to waive the hourly rate charge for requests that only take a few minutes. The next week, the council adopted a new policy on charges:

- 15 cents per page.
- For requests that take more than 10 minutes, an additional hourly rate prorated at \$7 per hour.



## Council members sell land to themselves for \$1

A city council in southeastern Iowa conveyed property with an assessed value of \$2,278 to the mayor and three council members in return for only four dollars last summer, according to a report the Ombudsman's office released in May 1997.

The Rathbun City Council did not offer the properties to the general public and ignored a citizen's offer to buy property with an assessed value of \$999 before conveying it to a council member for one dollar.

"How much would he [the citizen] have paid? We will never know, but presumably a lot more than one dollar," the report said.

Rathbun has a population of 89 and is located in Appanoose County, just southeast of Rathbun Lake. In the report, Angrick concluded:

The council's vote at its July 3, 1996 meeting was rendered invalid because the three council members who received property had conflicts of interest and acted contrary to law in agreeing to and voting on the resolution concerning the conveyances. Without their three votes, the five-member council didn't have enough votes to approve the action.

The council's process in conveying the two properties with the highest assessed values was unfair.

The council conveyed the property assessed at \$999 for "inadequate consideration," contrary to law.

The report recommended the council:

- Adopt a resolution declaring its vote void.
- Direct the four officers who received property to convey it back to the city for the same price.
- Offer the properties for sale to the general public upon competitive bid in writing, publicly invited and opened, with city officers eligible to participate.

### AGENCY'S REPLY

As required by law, Angrick submitted the report to the Rathbun City Council and Mayor Joe Todey for a chance to review the document and submit a written response, which the Ombudsman would be required to attach unedited. However, the council

and Mayor Todey did not submit a response.

Instead, Mayor Todey said he and the council believe the city's position was already stated in a letter written by City Attorney James Craver in response to a preliminary draft of the Ombudsman's report. Mr. Craver's letter generally disputes the Ombudsman's conclusions and recommends no action be taken in response to the Ombudsman's recommendations. A copy of the letter is appended to the report.

Copies of the report and the City Attorney's letter can be obtained from the Ombudsman's office.

**"How much would he [the citizen] have paid? We will never know, but presumably a lot more than one dollar."**



## Keep on Truckin'!



Photo courtesy of Des Moines Transportation

We received several complaints from truckers and trucking associations about getting billed by the Department of Revenue and Finance (DORF) for unpaid "use" tax on their trucks. Iowa law says that to get the use tax exemption, a vehicle must meet two requirements:

It must travel at least 25% of its mileage outside the state; and

It must be registered at a gross weight of more than 26,000 pounds.

Some truckers were registering their vehicles for less than 26,000 pounds and still claiming the use tax exemp-

tion because they thought they only had to meet one of the requirements. They thought the law should be clarified. They also asked why no one explained this when they registered.

But it gets even more complicated. County treasurers often register vehicles and are responsible to collect the use tax. The Department of Transportation (DOT) can also register the vehicles and the DOT licenses the vehicles. DORF was checking to make sure the use tax exemptions were being rightfully claimed. Our office contacted all the agencies involved to find out if anybody was checking if the two conditions were met at the time of registration and licensing. It quickly became apparent that there was a lack of understanding between agencies about what actually occurred when customers left their office and went to the next one.

We proposed and facilitated a panel discussion among these agencies at the county treasurers' annual statewide meeting. Subsequent discussions led to the DOT making some proactive changes to its process. This included adding language to the registration manual explaining the use tax exemption. DOT also pledged to make a concerted effort to clarify the law when customers license their vehicles.

## "No hablo Inglés!"

Imagine responding to a knock on your door and the person speaks a language you don't understand. They present an identification card and then walk through your apartment.

Based on a complaint we received, this scenario may be playing out time and time again as Iowa becomes home to more non-English-speaking residents.

In this case, the city was appraising all properties. Iowa law does not require assessors to give advance notice of a visit. Though this city did publicize its upcoming appraisals in the newspaper, the tenants also had limited English reading skills. The landlord complained his tenants were unnecessarily

frightened by "badge-toting assessors." The owner believed bi-lingual identification cards and brochures could eliminate this problem in the future.

After discussions with the owner, the city offered to make additional efforts to contact this landlord before future visits. After an inquiry from our office, the city also agreed to consider developing bi-lingual information.

We also visited with the president of the statewide Assessors Association. He said their organization does have a public relations committee which has begun work on addressing the growing bi-lingual communication problems.

**The landlord complained his tenants were unnecessarily frightened by "badge-toting assessors."**

## 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. If they don't, give us a call.

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 the problem, then give us a call toll-free at 1-888-IA-OMBUD (426-6283) or in the Des Moines area at 281-3592. Maybe we can help.

### How to reach us

**Telephone**  
1-888-426-6283 (toll-free nationwide)  
(515) 281-3592 (Des Moines area)

**TTY**  
1-888-426-6283 (we will transfer call to TTY line)  
(515) 242-5065 (Des Moines area)

**FAX**  
(515) 242-6007

**Internet**  
OMBD@Legis.State.Ia.US

**Write or visit**  
Citizens' Aide/Ombudsman's Office  
215 East Seventh Street, Capitol Complex  
Des Moines, Iowa 50319-0231

## 1997 Complaints Closed by Agency

State Government Department or Agency	Jurisdictional Complaints	Non-Jurisdictional Complaints	Information & Referrals	Other	Total	Percent of Total
Appeal Board	1	0	0	0	1	0.0%
Agriculture & Land Stewardship	2	0	1	1	4	0.1%
Attorney General	13	0	17	0	30	0.6%
Auditor of State	0	0	1	0	1	0.0%
Blind	0	0	1	0	1	0.0%
Citizens' Aide/Ombudsman	5	0	92	14	111	2.4%
Civil Rights Commission	9	0	3	0	12	0.3%
College Aid Commission	2	0	0	0	2	0.0%
Commerce	14	0	16	0	30	0.6%
Corrections	845	0	118	1	964	20.6%
Cultural Affairs	2	0	1	0	3	0.1%
Economic Development	2	0	8	0	10	0.2%
Education	9	0	4	0	13	0.3%
Educational Examiners	1	0	0	0	1	0.0%
Elder Affairs	1	0	24	0	25	0.5%
Ethics & Campaign Finance Disclosure	0	0	3	0	3	0.1%
General Services	2	0	9	0	11	0.2%
Governor & Staff	0	3	9	0	12	0.3%
Human Rights	0	1	7	0	8	0.2%
Human Services	445	0	64	2	511	10.9%
Inspections & Appeals	24	0	7	0	31	0.7%
Judiciary & Staff	0	140	23	0	163	3.5%
Law Enforcement Academy	1	0	0	1	2	0.0%
Legislature & Legislative Agencies	0	3	11	0	14	0.3%
Management	2	0	0	0	2	0.0%
Natural Resources	30	0	6	3	39	0.8%
Parole Board	30	0	15	0	45	1.0%
Personnel	10	0	5	1	16	0.3%
Public Defense	5	0	1	0	6	0.1%
Public Health	22	0	15	0	37	0.8%
Public Safety	23	0	3	0	26	0.6%
Regents & Institutions	8	0	2	0	10	0.2%
Revenue & Finance	63	0	29	0	92	2.0%
Secretary of State	1	0	12	0	13	0.3%
State Government (General)	6	0	181	8	195	4.2%
Transportation	90	0	18	1	109	2.3%
Treasurer	1	0	3	0	4	0.1%
Workforce Development	32	0	22	1	55	1.2%
<b>Local government</b>						
City Government	423	1	49	1	474	10.1%
County Government	403	1	34	0	438	9.4%
Metropolitan/Regional Government	7	0	2	0	9	0.2%
Schools & School Districts	35	0	10	0	45	1.0%
<b>Other entities</b>						
Federal Government	0	44	34	1	79	1.7%
Foreign Government	0	1	1	0	2	0.0%
Private sector	0	607	290	57	1011	21.6%
Private, quasi-government agencies	0	18	3	0	21	0.4%
States other than Iowa	0	26	22	0	48	1.0%
<b>Totals</b>	<b>2566</b>	<b>845</b>	<b>1175</b>	<b>91</b>	<b>4682</b>	<b>100.0%</b>
<b>Percentage of Total</b>	<b>54.8%</b>	<b>18.0%</b>	<b>25.1%</b>	<b>1.9%</b>	<b>100.0%</b>	

### ANGRICK (Continued from page 1)

government remained generally consistent with previous years with a few exceptions. In 1996, I reported 211 contacts about the Department of Natural Resources (DNR), 167 of which were informational requests -- a continuation of our work in the air pollution permit process and other activities relating to DNR regulation. In 1997, the number of contacts was 39, reflecting the change in responsibilities as information coordination regarding air permits and other regulatory efforts were shared by DNR and the Department of Economic Development. However, the number of complaints about DNR remained essentially the same, having closed 33 in 1996 and 30 in 1997.

Agency caseload showed a slight increase in the number of local government cases as we increased our outreach efforts to courthouses and city halls -- county governments contacts rose from 7% to over 9% in 1997; municipal contacts increased similarly to 10% of our caseload.

We experienced a slight decrease in the proportion of corrections and parole complaints as we tried to focus more upon substantive corrections issues by reducing the frequency of institutional intake trips in order to concentrate on systemic, significant incident and policy matters. Corrections related contacts accounted for over 24% of our closed contacts in 1996 while making up less than 23% in 1997. Correctional problems persist, especially as facility and staffing resources are strained by an ever increasing inmate population. Crowding, programming, counseling,

day in 1997. I find it very interesting that contacts from and about community based facilities increased from 9% of the correctional caseload in 1996 to 17% in 1997. Several years ago complaints about community based incarceration were a small portion of our work. Now, as more individuals are staying longer in community facilities or being revoked to prison, we are hearing from them and their families. And as new prisons are opened or expanded and the inmate populations increase and makeup change as a result of custody and programming decisions, the kinds and proportions of complaints will continue to change.

I have added a visual perspective in this report on the contacts we closed last year about the Department of Human Services, the state agency consistently generating the second highest number of contacts in our caseload. Child Support Collections issues accounted for a whopping 44% of the complaints and informational requests relating to that Department. Child and Adult Protective Services, Social Work and Income Maintenance matters also generated significant numbers of contacts. The increase in child support collection contacts reflects the dramatic change in state involvement in that aspect of our citizens' lives. And the case summary examples I've selected this year demonstrate both major and minor problems continue to be experienced by persons who are due child support and those who are required to pay it.

I published three reports in 1997 resulting from investigations. The issuance of a report is the ultimate statutory

summarized in articles on page one (regarding DIA); page three (regarding the City of Rathbun); and page seven (regarding Butler County).

The smart public manager learns from complaints about how the agency, office, or program is working. And with that knowledge, makes adjustments and improvements. Complaints and complaint investigations are management tools - part of a proactive way of doing business.

Complaints can help managers identify insufficient resources; poorly defined criteria; ambiguous or inconsistent policies; staff training needs and issues; and unanticipated consequences of administrative practices.

We find that most Iowa public officials and administrators generally welcome the opportunity to learn about a problem and find its solution. They are fixers. And when a program requires frequent fixes they are receptive to identifying and implementing necessary policy change.

Philosophically this moves us away from a negative scorekeeping approach to complaint handling. We still know which are the problematic agencies, programs and sometimes officials or administrators. And there are significant issues which require public reports.

But more often than not, when an administrator can accept a suggestion or recommendation, or discover the mistake themselves, they self-correct the error. This is good government at its best. Mistakes, errors and inappropriate actions are going to occur in government everyday. To the extent officials respond to criticism and the systems self-correct,

## "Honest, officer, I'm innocent!"

A state legislator contacted us on behalf of a constituent who was stopped by a deputy sheriff for speeding. The deputy arrested the man on an outstanding warrant for other traffic violations. The legislator questioned whether the officer had abused or exceeded his authority.

The citizen complained the deputy did not give him his "Miranda" warning and illegally searched his vehicle. He claimed he had documentation showing he had satisfied the court judgment against him but the officer refused to consider it. Because the vehicle would be towed, the man said he requested a particular towing service, but claimed the deputy contacted a different, more expensive service.

We checked and found the man's license was in fact still under suspension and the warrant was indeed valid at the time of arrest. We also found that:

- His documentation did not prove he had satisfied the court judgment.
- Other suspensions were pending against him.
- A Miranda warning was not required because the officer did not question him concerning a criminal act.
- The officer inventoried the vehicle in compliance with both departmental and nationally recommended policy and his actions did not constitute a search of the vehicle.
- The towing service requested by the citizen didn't exist.

We did find two errors: The deputy handcuffed the man with his hands to the front instead of to the rear, which the deputy admitted doing as a courtesy. He also acknowledged transporting the citizen to his office to handle some time-sensitive business matters before taking him to jail.

When notified of the results of our review, the legislator contacted the sheriff and apologized for criticizing the deputy. We advised the sheriff of the errors in procedure but did not recommend any corrective actions.

## Ombudsman asked to give advice on jail's use of deterrents

The Polk County Sheriff's Department asked for our input on its plan to start using chemical deterrents in its jail. This practice would represent a significant departure from the jail's past practice. Many concerns had been raised over potential injuries and liabilities.

We researched the issue and gave a comprehensive report to jail administrators with recommendations for usage and policy improvement to provide adequate accountability and to reduce the potential for abuse.

The report and recommendations were well received and considered in the jail's final plan. We were invited to witness a demonstration of the chemical agents being considered and gave additional input on their use.

This shows how the Ombudsman's office can help law enforcement agencies in joint efforts to enhance government service and to better serve the public.



## Lax police response sends wrong message

A woman expressed fear of returning to her home. She had filed a domestic abuse assault complaint against her ex-husband with the chief of police.

But 25 days later, her ex-husband had not been arrested. There was no warrant for his arrest. She had no order of protection. She felt at risk for having reported him.

We contacted the chief. He confirmed the woman and other witnesses filed a complaint with him immediately after she received treatment at a hospital emergency room for injuries they said her ex-husband caused.

The chief said there was probable cause for mandatory arrest of the ex-husband, under Iowa's domestic abuse laws. He said he was unable to find the ex-husband within 24 hours of receiving the complaint, and therefore he needed to get an arrest warrant before continuing his search. To get an arrest warrant, he needed to give certain paperwork to the county attorney's office for processing.

But the chief had gone on a planned vacation before filing the paperwork. He admitted that was a poor decision. He later filed the paperwork just before responding to our phone messages asking him to call us. The chief acknowledged he had not given the woman resource

information or her rights as a domestic abuse victim. He said he didn't have those materials available at the time, though he knew Iowa law requires that he give such information.

The chief offered that he should have done a better job. He offered to become better educated about domestic abuse assault. He admitted he had not attended any of the regional workshops offered around the state in recent years.

**We stressed that domestic abuse is a dangerous crime that has resulted in injuries and deaths.**

We explained our office gets many complaints each year about how law officers handle domestic abuse cases. Some complaints are justified and some are not. We said we appreciate the candor of officers who admit mistakes and try to learn from them. But we stressed that domestic abuse assault

is a dangerous crime that has resulted in injuries and deaths. It is imperative those on the front lines, especially law officers, act timely and in accordance with the law.

Putting off the filing of paperwork for an arrest warrant for a month does not send a message that law enforcement takes domestic abuse assault seriously. That perception may keep a victim from reporting a dangerous situation. It also may give a perpetrator an added sense of power to further control or abuse a victim.

## Complaint leads to man's arrest

A woman asked for help getting the police to arrest her ex-husband. She had obtained a restraining order forbidding him from having any contact with her. He had violated it several times and she had reported the incidents to police.

There was a warrant out for his arrest. But more than a month later police had still not arrested him, though the woman was convinced police knew where he was living.

More recently, she had been receiving threatening phone calls from her ex, saying he was going to "get her." The week before, her car windshield had been broken out just shortly after her ex threatened to do so.

She relayed these incidents to police in hopes they would arrest her ex. Instead, she said the police were telling her to stop answering her phone. Overall, she was scared because

she felt police were not taking the situation very seriously.

After listening to her, we immediately called the police. A sergeant confirmed they had a warrant for the ex-husband's arrest. He said they would make efforts to check into the situation and have him arrested.

Three days later, the same sergeant called to report he had just arrested the ex-husband. The sergeant said he told the man to stop bothering his ex-wife "because every time you call her, we will repeat this same scene." He believed the man would be in jail for some time because there were other charges not involving his ex-wife.

We relayed this information to the woman and asked her to call back if she had any more problems with the police.



## DOT issues refund following Ombudsman's inquiry

How long does it take three state workers to fix a guard rail and post on Interstate 80?

Eight hours, according to a bill from the Department of Transportation (DOT). But the man who got the \$684 bill thought it was a bit high. He knew he was responsible for paying to fix the damage. It happened when a horse trailer broke away from his pickup truck near Newton.

When he got the bill showing it took eight hours of work for three people, he objected. He took his concerns to a DOT Claims Specialist and the workers' supervisor. Both defended the amount of the bill.

He then sent letters of complaint to the DOT Director, the Governor's Office and the Iowa Attorney General. He wrote in part, "I understand there needs to be three people and safety vehicles for traffic control, but eight hours for three

people to put one post in, loosen 40 to 50 U-bolts, tighten the cable, then screw the nuts tight!"

The DOT Director and the Governor's Office responded with letters defending the bill. The letter to the Attorney General was referred to our office. We contacted the DOT Claims Specialist and asked for copies of the job order, the vehicle dispatch log and "specs" for how long the job should have taken.

The Claims Specialist called back later that day to report she found several errors on the bill. Two of the employees actually worked only four hours on the job. One actually worked two hours. And three pieces of equipment had not been used as long as indicated on the bill.

As a result, the Claims Specialist said the bill should have been \$343, not \$684. DOT sent a check for the difference to

the man's insurance company.

We continued pursuing the matter with DOT. We wanted to find out how the errors occurred in the first place — and why they weren't detected following inquiries from the DOT Director's Office and the Governor's Office.

DOT's response, "The confusion with the billing resulted when the work unit supervisor mis-understood his employees' explanation of the time spent completing the work. When originally asked to check on this project as a result of [the man's] contact with both the Governor's Office and the DOT, the supervisor checked his records, but did not review the project with the employees...."

"This new work unit supervisor has learned some lessons from this experience, and we are confident that this mistake will not be repeated," DOT's Director wrote.

## Ombudsman's suggestion fixes ongoing "thorn" for DOT

Sometimes you can meet a deadline and still be late. That's what it felt like for a driver whose license was suspended.

He hit another car, causing about \$700 in damage. He had no insurance. Two months later, DOT sent him a notice saying he needed to file a \$1,000 security deposit within 20 days or it would suspend his license. The notice, which listed eight other options to avoid the suspension, said it would be "stayed" (put on hold) if he filed a written request for a hearing within 20 days (February 24).

DOT received his request for a hearing February 22. But it still suspended his license. Angry, he complained to DOT administrators. They explained that while his hearing request was received before the deadline, their small staff wasn't able to process it until March 1. As a result, his license was suspended from February 24 to March 1.

They also explained that under an administrative rule, mailing a hearing request doesn't automatically stay the suspension — the stay is effective on the date issued. And DOT noted it has no authority to remove suspensions.

The man then contacted our office. We checked with DOT, where a long-time employee explained this man was not alone. The DOT employee said this had been an ongoing "thorn in our sides" for years. He and others were frustrated because they didn't see any way to resolve it.

He also noted that fortunately, the man did not get arrested for driving with a suspended license in the period when his license was suspended. Some people do get arrested, though the initial notice warns them not to drive until they get an official notice "terminating this action."

The more we looked at this case, the more we saw that

technically, DOT had the law on its side because stays are effective on the date of issuance. But we were troubled by the fact that some people were getting their licenses suspended even though they met DOT's own deadline.

We suggested DOT consider establishing a five-day "holding period" between the two deadlines — a driver's deadline for appealing a suspension notice, and the effective date of suspension. We noted such a "holding period" would give DOT a chance to process all hearing requests before the effective date of suspension.

DOT went one step further: It proposed legislation, which was later adopted, establishing a 10-day "holding period" for most actions that aren't OWI-related. (DOT said the state would have lost some federal funding had it increased the period for OWI-related suspensions.)



**County government**

**Brass pin culprit behind voting machine problems**

Allegations of misconduct involving a county auditor's office in northeast Iowa were found to be unsubstantiated, according to a report the Ombudsman's office released in October 1997.

The report detailed the office's investigation of three allegations involving the Butler County Auditor's Office. Butler County is just northeast of Waterloo.

Of particular interest was a hotly contested sheriff's race. The incumbent — running as an Independent candidate after losing in the primary — defeated the Republican challenger by only 62 votes.

One allegation was that County Auditor Donald Johnson delivered absentee ballots to local nursing homes with someone of the same political affiliation, in violation of Iowa law. It was also alleged that County Auditor Johnson tried to influence how a resident voted while delivering ballots. But the Ombudsman's investigation found these allegations to be unsubstantiated.

Another allegation involved a photograph in a local newspaper before the election. It showed a woman in a voting booth. There was belief she was pointing at the name of the Independent candidate for sheriff, and that County Auditor Johnson arranged for and staged the photo. But the Ombudsman's office reviewed the photo and found the woman was not pointing at any of the sheriff's candidates' names.

The final allegation was that the Auditor's office ignored reports on election day of voting machine malfunction. It was reported that some machines would not allow the straight party lever to be used, yet when the Auditor's office was informed, no one was sent to try to fix the machines.

According to the report, County Auditor Johnson acknowledged his office received two calls on election day of voting-machine problems. But Johnson said he and his

three deputies were too busy with other election-related duties to inspect the problems.

And the Ombudsman found that "no citizen was denied his or her right to vote due to the problems with the voting machines," the report says. "Even if a person could not vote a straight party ballot, this did not prevent a person from voting for each candidate individually."

During the investigation, the Ombudsman inspected half of the voting machines used in the election with the help of a nationally-recognized voting machine consultant. In all of the machines inspected, it was not possible to vote a straight party ticket when the machine was set up to restrict voting for a township trustee. The culprit was found to be a small brass pin in the township trustee column which should have been removed when the machines were set up.

While the Ombudsman found the three allegations were not substantiated, he did determine if further testing of the machines during set-up had occurred, this problem would have been discovered. Information obtained from the Secretary of State's office assisted the Ombudsman in reaching this conclusion.

As a result, the Ombudsman recommended County Auditor Donald Johnson consult with the Secretary of State's Office in developing a comprehensive checklist which includes independent inspection and thorough testing of the voting machines.

**AGENCY'S REPLY**

Butler County Attorney Greg Lievens' written response to the report, made on behalf of County Auditor Johnson, did not respond to the Ombudsman's recommendation. A copy of the county attorney's letter is appended to the report.

Copies of the report and the County Attorney's reply can be obtained from the Ombudsman's office.

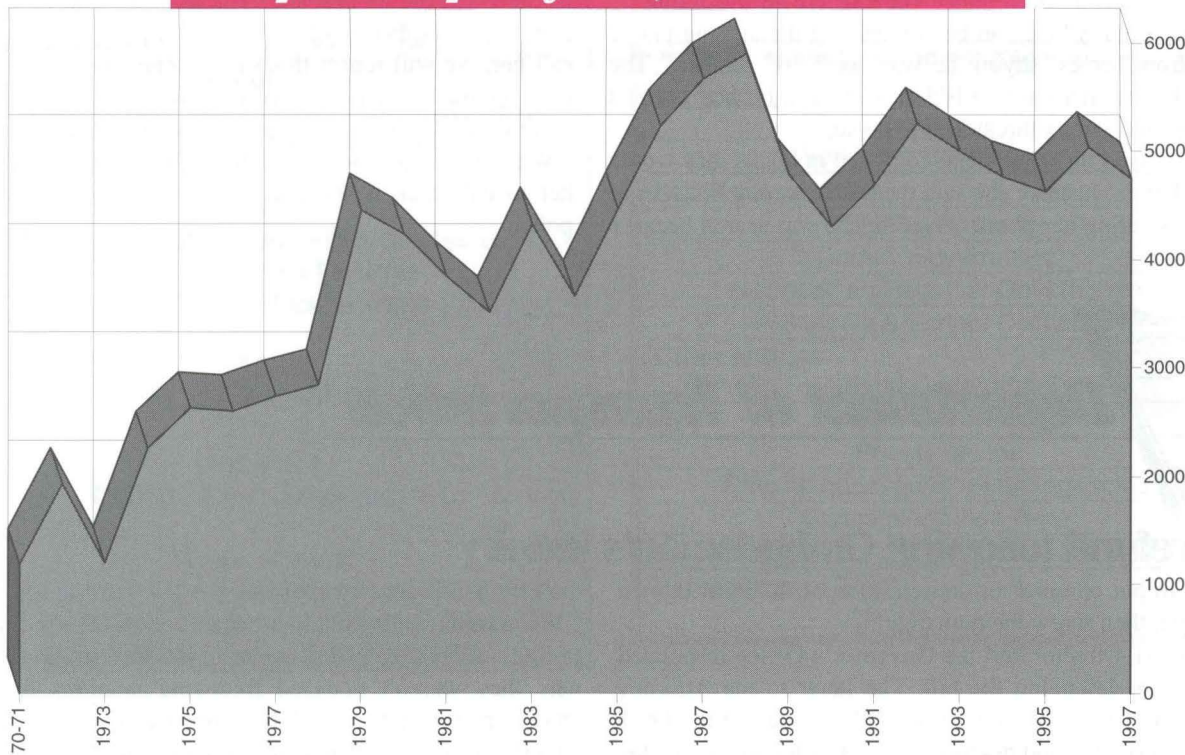
**Handy 800 numbers**



**STATE GOVERNMENT**

Attorney General (Child Support Awareness Project)	1-800-374-5437
Blind (Department for the)	1-800-362-2587
Child Abuse/Dependent Adult Hotline	1-800-362-2178
Child Support Recovery Unit (Specialized Customer Service Unit)	1-888-229-9223
Civil Rights Commission	1-800-457-4416
Citizens' Aide/Ombudsman	1-888-IA-OMBUD
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
Gambling Treatment Hotline	1-800-238-7633
Health Facilities Division (home health hotline)	1-800-383-4920
Human Services (Department of)	1-800-972-2017
Inspections and Appeals (Department of), Investigations Division	1-800-831-1394
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)	1-800-779-2001
Iowa Waste Reduction Center	1-800-422-3109
Long Term Care Residents Advocate (inquiries about nursing facilities)	1-800-532-3213
Narcotics Division	1-800-532-0052
Prison Industries	1-800-332-7922
Radon Line	1-800-383-5992
Revenue and Finance (Department of)	1-800-367-3388
Senior Health Insurance Information Program (SHIIP)	1-800-351-4664
Small Business Development	1-800-532-1216
Small Business Liaison for Air Quality	1-800-351-4668
State Fair (number active only from June 1 to end of fair)	1-800-545-FAIR
State Patrol Highway Emergency Helpline	1-800-525-5555
Transportation (Department of)	1-800-532-1121
Tourism Information	1-800-345-4692
Veterans Affairs Commission	1-800-838-4692
Vocational Rehabilitation Division	1-800-532-1486
Workforce Development Department	1-800-562-4692 TTY: 1-800-831-1399

**Inquiries per year, 1970-1997**



**DIA (continued from page 1)**

• Taxpayers may not have been getting their money's worth for nursing home Medicaid expenditures.

The report included 12 recommendations and said their primary goal "is to improve the state regulatory system by enhancing the chances for proactive enforcement results." Included is a recommendation that DIA develop and implement a means to help consumers make informed decisions in selecting and monitoring a long-term care facility. "The system should include report cards showing basic information about each facility's performance and any enforcement action taken," the report said.

In the four-year-long review, the Ombudsman's office analyzed 45 DIA inspection reports detailing 316 problems it found at the two facilities. Relying on DIA's own inspection findings, the investigation focused on whether there were instances where DIA should have taken enforcement action under federal and state nursing home statutes, but did not.

**AGENCY'S REPLY**

In a written response to the report, DIA Director Kim Schmett defended DIA's oversight of the two nursing homes. "While we acknowledge the facts contained in the report, we do not accept the Ombudsman's final conclusion that our Department failed to adequately or fully protect the residents in the two facilities," Schmett wrote. "Our

Department's actions during the reported period were believed by those people who took those actions to be in the best interest of the residents at that time and under those particular circumstances."

He also wrote, "Our first and foremost concern has been, is, and will continue to be the health, safety, and well-being of residents in Iowa's long-term care facilities.... We will use whatever means necessary from the available enforcement actions to bring facilities and providers into compliance."

Schmett's response also questioned whether Angrick and the staff who helped prepare the report, none of whom have a health care background, are qualified to reach conclusions about DIA's oversight of nursing homes.

In addition, Schmett's response expressed general support for the 12 recommendations and offers suggestions for increasing their effectiveness.

Schmett's 13-page reply is appended to the report, followed by a two-page comment by Angrick. "Significantly, while raising general concerns about the Ombudsman's conclusions ... Mr. Schmett's response presents no specific concerns regarding the Ombudsman's analysis of any of the 41 actual instances which formed the basis for those conclusions," Angrick wrote.

Copies of the report and DIA's reply can be obtained from the Ombudsman's office.

**ISU EXTENSION HOTLINES**

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

**MISCELLANEOUS**

AIDS Hotline	1-800-445-2437
Better Business Bureau	1-800-222-1600
Domestic abuse hotline	1-800-942-0333
Federal information hotline	1-800-688-9889
Iowa Protection & Advocacy (for people with disabilities and mental illness)	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



## Dying father sees inmate son one last time

A local hospice organization contacted our office to see if we could help grant a dying man's wish. The patient had a son in prison with a lengthy sentence and no hope of release before his father's death. The father was not expected to live more than a few weeks so time was of the essence.

The visit was initially approved, but later denied. The inmate had some very serious criminal convictions for sexual abuse. The hospice representatives were aware of that, but offered to pay the entire cost of transportation, including security, and to ensure no visits by minors would overlap with the inmate's visit. They also offered to provide additional social workers if prison officials required it.

We checked the inmate's disciplinary record and found he did not have a history of violence during his incarceration. We also learned he had served over 12 years with few management problems. We contacted the warden to see if he would recon-

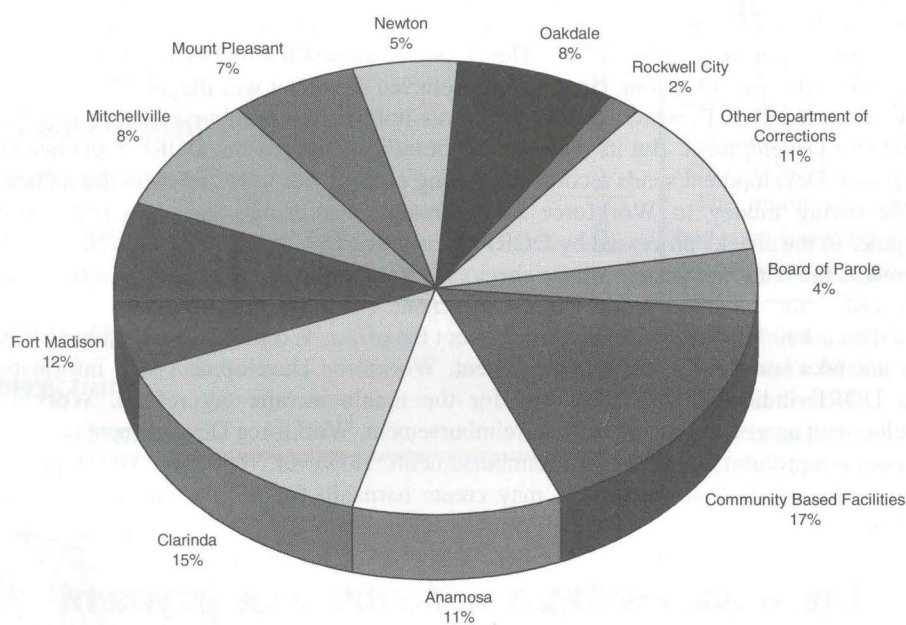
sider his denial. He believed that due to the nature of the crime and the inmate's refusal to participate in sex offender treatment, he should not be allowed to visit his father.

Under most circumstances we would agree. But we noted the visit was the dying father's request. The warden said if he agreed to this deathbed visit, there would be no additional visit for the funeral. We said the family understood that and agreed. Since there were to be some other restrictions, we contacted hospice representatives again so they could work everything out directly with institutional authorities.

A hospice representative later said the visit went very well. It was the father's dream to see all his children together one last time. She reported that he was so happy to see his son, he just kept hugging him and would hardly let go. He'd been unable to visit his son in prison due to his deteriorating condition. The father passed away 12 days later.

**He was so happy to see his son, he just kept hugging him and would hardly let go. The father passed away 12 days later.**

## Sources of corrections complaints



## Details of a process can help the wait

A little girl was hospitalized in critical condition in another state. Her mother couldn't go as she was an inmate at the Iowa Correctional Institution for Women (ICIW) at Mitchellville.

The woman's brother called us. Two weeks earlier, he had asked the warden for an emergency furlough for his sister. The warden passed it on to the acting director of the Department of Corrections (DOC) who passed it on to the new director.

The man had also written to the Board of Parole asking for an early review but had not received a response. It had occurred to him the request for an out-of-

state emergency furlough was their "best bet." But he wanted to learn more about the rules for determining when they are granted.

We faxed him DOC's policy on out-of-state furloughs. It indicated that if the DOC Director and the Governor granted the furlough, the family would have to pay (upfront) the costs of providing security, including guards. And because another state had a "detainer" on the woman — meaning they would have custody of her when she was released from Iowa's prison system — the policy indicated the other state would have to agree to any emergency furlough.

to the governor's office in the state which had the detainer, suggesting he ask them about their requirements. He called and learned they have similar requirements to Iowa and he faxed the appropriate paperwork to that state.

The man asked how long it might take to get a decision? We gave him phone numbers and addresses for DOC's director and the governor, suggesting he contact them. We emphasized the importance of the family

giving credible information and referrals showing the emergency nature of this request. We also suggested he make a follow-up call to ICIW's warden, since he had initiated this process there.

The man called the next day. The warden told him Iowa was prepared to allow the furlough if the family could come up with \$750 and if the other state would give a verbal okay to Iowa. The man said the warden sounded positive regarding the other state's consent. He now just needed to resolve the money issue.

We later got a kind letter from this man, thanking us for helping them through the process. His sister was granted the emergency furlough, allowing her to be at her daughter's bedside.

**His sister was granted the emergency furlough, allowing her to be at her daughter's bedside.**

## Incontinent inmate gets diapers

The father of an Iowa inmate contacted us when his son was refused adult diapers. His son had a brain tumor at age 11. Given less than a year to live at the time, the son was now 36.

Surgeons were only able to remove a small part of the tumor. The rest was treated with radiation. According to the father, the tumor was gone. But scar tissue remained, affecting the son's behavior — including irregular incontinence. He had asked for adult diapers but was refused.

Medical staff told the inmate to show his "accidents" to staff when they happened so they could document the need for diapers. But when his son tried to show an officer, the officer reportedly said he did not want to see it.

We contacted the Director of the Department of Corrections and asked her to review the issue. Within a few days, the inmate's father called to say his son was finally issued diapers. They were very grateful for our help.

## Ombudsman urges parole for dying inmate

A terminally ill inmate asked for help in persuading the Board of Parole to reconsider him for release. He had liver cancer and said doctors only gave him six months to live. We contacted a Parole Board representative and asked if they would reconsider him for parole because of his prognosis.

The representative said a prison health care official denied the inmate was as critical as he claimed. They said he was diagnosed with cancer and was offered chemotherapy, but declined. The inmate told us he declined the chemotherapy

because doctors said it would not add to his life expectancy. He provided a letter from University of Iowa Hospitals and Clinics confirming that information.

The inmate also claimed his brother would help him financially and with housing for the time left. We confirmed that information with the brother and were satisfied he had the resources to do so.

We talked with the Parole Board representative again to relay this information. The inmate was released within three weeks and passed away 19 days later.

## Pat search practices reviewed

We don't normally defend a residential facility resident for disobeying a staff member's request. But this case was unusual: A male staffer ordered a female resident, who was returning from a furlough, to pull out her bra and shake.

The resident had just emptied her pockets and purse at the request of another male staffer. But she refused the order to pull out her bra and shake, saying she would only do that for a female staffer. The male staffer repeated his request. But she continued to refuse. A female staffer was called. She conducted a pat search on the resident and did not ask her to pull out her bra and

shake.

The male staffer issued a disciplinary report for the resident's refusals. She filed appeals but they were denied. She was given a number of "sanctions," including having to write a 750-word essay and lost 48 hours of furlough time.

She wrote to us. We contacted the facility manager. They said it wasn't the facility's policy that female residents pull out their bras and shake during pat searches. We suggested the manager review the situation again. They later expunged the violation from the resident's record and restored her lost furlough time.

## Complaint leads to cleaner blankets

An inmate at a county jail wrote about a problem involving blankets. She said blankets were not cleaned before they were re-issued to new inmates. She was concerned that this was not sanitary.

In her letter, she said she had filed a grievance. But it was denied with a note saying, "Blankets are sent out periodically for dry cleaning."

We called a jail official. He confirmed blankets were being cleaned on an "as needed" basis, when they appear soiled, stained or they stink.

We asked whether this practice meets the standards of the American Correctional Association (ACA). The official believed it did but said he would check.

We later got a "voice mail" message from him saying, "Boy, do I have egg on my face and dirt on our blankets. I was under the impression that we could only dry clean these blankets which was totally incorrect. And we have now started laundering them in between re-issue." He said cleaning blankets on an "as needed" basis did not meet ACA standards.

## Privacy concerns for inmate giving birth

A female inmate complained that when she was delivering her baby, a male officer guarding her stood near the foot of the bed and made no effort to give her any privacy.

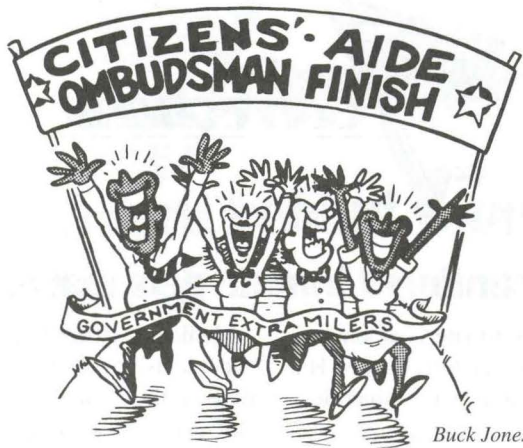
A female officer had transported her to the hospital. Another female officer relieved the first at the next shift change. But at the next shift change, a male officer came on duty. He stood near the delivery room door, facing her as her baby was born.

She said she didn't complain at the time because of her status as an inmate. But when she was returned to prison, a male officer said he could not strip search her as it was against policy. She wondered how a

strip search could be more intrusive than watching her during delivery.

We understand that job assignments are complicated when officers of one sex supervise inmates of another. But this did not seem to be reasonable. The inmate filed a grievance and it was denied. We contacted Department of Corrections Central Office officials. They said female inmates cannot always be supervised by female officers, however, if male staff must be assigned under these conditions, the officer is to position himself in such a way as to watch the inmate, but not create an unduly embarrassing situation.

We gave her brother the telephone number



## EXTRA MILERS

**Public employees we recognize as special because they deliver top quality service**

-  Mike Audino, Director of Field Services Division, Department of Transportation — for his eagerness in getting questions answered and problems resolved and for doing so with honesty and integrity.
-  Barbara Binnie, Board of Parole — for consistently being conscientious, thorough and responsive to problems and questions Iowa's citizens have had concerning the Board of Parole.
-  Norman Norland, Investigator for the Consumer Protection Division, Iowa Attorney General's Office (posthumously) — for his nearly two decades of courteous and caring assistance to the consumers of Iowa.
-  Ellen Poland, Records Administrator at the Clarinda Correctional Facility — for her continued good humor in spite of her workload tripling. Where Ellen once calculated time computations for about 350 inmates, she now performs the same function for 1,000.
-  Milo Rockey, Support Recovery Officer/Lead Worker, Department of Human Services - for his helpfulness and responsiveness to concerns raised about child support cases.
-  Sandra Steinbach, Senior Election Officer, Secretary of State - for her willingness and enthusiasm to share her vast knowledge of proper election procedures to citizens as well as governmental agencies and to assist with implementation of proper election procedures.
-  Andrea Wright, Grievance Officer at the Mount Pleasant Correctional Facility — for her timely and complete responses to grievances from inmates. Because of her extra attention to grievance responses, complaints to our office have dropped.

### Can we meet...

... with 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  
Capitol Complex  
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### Bus driver's boss apologizes for cold walk home

A grandmother said a school bus driver refused to let her teen-age grandson ride the bus home and did not tell anyone that he was left behind. This happened in January on a day when school closed early due to bad weather.

The grandmother lived with her two grandsons. She said the older boy had various problems on the school bus. After the first few months of the school year, she made arrangements that he would ride to school with a neighbor and the grandmother would pick him up after school.

On the day of the problem, the grandmother was in town for a funeral and didn't know school was dismissed early. When she got home, the younger grandson said his brother wasn't there. The grandmother left to look for the older boy. She first went to the high school but he wasn't there. Then she went to the neighbor's place of employment. While looking for him there, she got a phone call — it was the older grandson, and he was home.

He said he tried to get on the bus, but the bus driver told him he could ride only if his grandmother called ahead of time. So the boy started walking home — they live eight miles from school. A teacher saw him and picked him up about 1½ miles from the school.

The grandmother contacted the superintendent. He wasn't aware of the situation but would make sure something like this didn't happen again. The superintendent asked why the boy had started walking home. He also clarified that the boy was not to ride the bus except on days previously agreed to or an emergency, as was the case here.

We contacted the supervisor of buses. He said he had talked with the driver and told him in the future, when the weather is bad, he's not to question whether a child is allowed on the bus. The supervisor of buses later sent a letter of apology to the grandmother.

### Man gets reimbursement with Ombudsman's help

Miscommunication between two state agencies created a snafu for an elderly man. He was eligible to receive a \$320 annual rent reimbursement through the Department of Revenue and Finance (DORF). In April he learned his check was being withheld. He thought it was because the Department of Workforce Development wanted the money for unemployment benefits it had overpaid to him. However, he believed the offset was illegal.

We contacted DORF, which confirmed it was holding the reimbursement to pay back Workforce Development. But its records did not indicate the reason. DORF explained that Workforce Development sends a computer listing each month to DORF with the names of people owing money to Workforce Development. The names are then matched by computer to the checks processed by DORF. Workforce Development looks at the matches and marks the names of people whose checks DORF should offset. DORF does the offsets and transfers the money to Workforce Development.

We then asked Workforce Development about the offset. Workforce Development said it does not take someone's rent reimbursement. Workforce Development said information from DORF indicated the check was for the man's income tax refund. Workforce Development agreed to process his rent reimbursement. Workforce Development said Iowa law does not prohibit taking the rent reimbursements. However, Workforce Development's policy is to not do that, because it may create hardship for people who need the rent reimbursements.

### Tax agency withdraws demand for payment

A man got a letter from the Department of Revenue and Finance (DORF) demanding payment of underpaid income taxes, plus interest and penalties. He agreed he underpaid his taxes but said he had since paid in full, shortly after getting a notice three months earlier. He then provided the cancelled check to prove his claim.

We contacted DORF. They acknowledged erring in sending the second notice. They promised to correct the record and said the man could ignore the demand letter.

We insisted DORF send him a written statement confirming he was paid in full and withdrawing the demand for interest and penalty. The agency initially resisted, citing the potential costs of corrective mailings. But they ultimately agreed to our suggestion. We are still discussing with DORF officials the need to advise taxpayers in writing whenever the agency corrects or withdraws a demand letter.



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