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REPORT TO  
THE GOVERNOR OF IOWA  
AND  
THE SIXTY-SEVENTH GENERAL ASSEMBLY  
FIRST SESSION  
BY THE IOWA CITIZENS' AIDE



SIXTH ANNUAL REPORT  
JANUARY 1, 1976 - - DECEMBER 31, 1976

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STATE OF IOWA

CITIZENS' AIDE OFFICE  
515 E. TWELFTH STREET  
DES MOINES, IOWA 50319  
(515) 281-3592



THOMAS R. MAYER  
CITIZENS' AIDE  
OMBUDSMAN

RUTH L. MOSHER  
DEPUTY

In reply, please refer to:

February 4, 1977

The Honorable Robert D. Ray  
Governor of Iowa

The Honorable Arthur A. Neu  
Lieutenant Governor

The Honorable Dale M. Cochran  
Speaker of the House

Members of the Sixty-Seventh General Assembly  
(First Session)

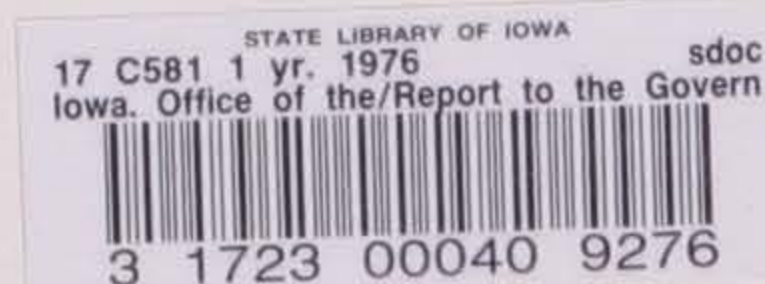
Dear Gentlemen and Ladies:

I respectfully submit the attached report of the  
Citizens' Aide for the period of January 1, 1976  
to December 31, 1976.

Respectfully,

*Thomas R. Mayer*  
Thomas R. Mayer,  
Citizens' Aide-Ombudsman

TRM:pn  
Encls.



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RAYMOND A. CORNELL  
DEPUTY FOR CORRECTIONS

FRANK THOMAS  
LEGAL ANALYST

ANDREW ROBERTS  
SPECIALIST - INDIAN AFFAIRS

STAFF

Thomas R. Mayer  
Citizens' Aide

Ruth L. Mosher  
Deputy

Raymond A. Cornell  
Deputy for Corrections  
(Prison Ombudsman)

Frank Thomas  
Legal Analyst

Andrew Roberts  
Deputy for Indian Affairs

Patricia Nett  
Secretary

Judy Green  
Secretary

On January 5, 1977, Mr. Mayer resigned his position as the Citizens' Aide or Ombudsman to enter the practice of law. The resignation was effective on February 5, 1977.

Deputy, Ruth Mosher, will assume the duties of Acting Citizens' Aide, as provided in Chapter 601G of the Iowa Code, until a successor is appointed.

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## CITIZENS' AIDE OFFICE - 1976

The gaining popularity of the Ombudsman concept in the United States was evident by the dramatic increase in inquiries coming from other jurisdictions as well as from students and scholars requesting information about the Citizens' Aide office. Requests have come from New York, Tennessee, Minnesota, Wisconsin, Texas and many other states.

The Citizens' Aide office is functioning extremely well with a limited budget and staff. The office has become more efficient over the years, particularly in the use of problem solving resources which are available. For example, non-jurisdictional matters are rarely investigated since avenues exist for investigation and these matters are simply referred to the appropriate authority. Federal government complaints are referred to a member of the Iowa Congressional delegation, several of which have specific staff whose duties are to handle constituent problems. This allows the Citizens' Aide staff to spend more time investigating jurisdictional complaints.

The Citizens' Aide office also utilizes liaison personnel in various state departments so that action on specific

complaints might be initiated as soon as possible after the complaint is received. In most cases, work begins immediately upon receipt of the complaint.

A request by Mr. Mayer, Citizens' Aide, to attend the International Ombudsman Conference in Edmonton, Alberta, Canada was denied because of limited funds. Mr. Mayer did participate in a conference covering various proposals to make government more responsive to the people. The conference was sponsored jointly by the Center for Governmental Responsibility of the University of Florida, Holland Law Center and Common Cause. The conference was held at the Common Cause offices in Washington, D.C. on September 8, 1976. The two major topics covered were the Ombudsman concept and the feasibility of Sunset Laws. The results of the conference were to be summarized in reports which were to be given to the presidential candidates for the fall election.

There have been several cases this year where a complaint investigation by the Citizens' Aide has resulted in the removal of employees of various agencies because of serious rule violations. Two guards were fired for using tear gas on inmates for punishment purposes at the penitentiary and their supervisor was demoted for falsifying

records in order to justify the use of gas. Later, another penitentiary employee was permitted to resign after it was proven that records under his control were falsified. A Citizens' Aide investigation revealed that a Linn County jailer had used excessive force in attempting to fingerprint a federal prisoner. The jailer was ultimately relieved of his responsibilities and charges of assault and battery were filed by the county attorney.



## CASE STATISTICS

During the calendar year 1976, the number of recorded citizen contacts remained approximately the same as 1975. However, this number does not reflect unrecorded contacts with the Deputy for Corrections which are made when he is present at the institutions. The number of these contacts would be considerable. They are matters which can easily be rectified and are, therefore, not recorded. These totals also do not include cases which were opened in a previous year and for which work continued in 1976. It also does not include closed cases which were reopened during 1976.

The total number of recorded contacts for 1976 was 2,597. Of those, 820 were jurisdictional complaints. The remaining were requests for information on non-jurisdictional matters. The following is a breakdown of the disposition of the jurisdictional complaints:

Justified or partially justified...	271
(33% of 820 complaints)	
Rectified or partially rectified...	268
(98.8% of 271 complaints)	
Not rectified.....	3
Withdrawn.....	28

As the breakdown shows, 98.8% (268 of 271 complaints) which were deemed to be justified in whole or in part were rectified in whole or in part. The breakdown on remaining complaints is as follows:

Not justified.....	445
Rectified or partially rectified....	19
No basis to judge.....	47
Legislation needed to rectify.....	9

Most citizen complaints are received by telephone. The office still accepts collect calls from anywhere within the state. This permits the office to be accessible to most Iowans. A breakdown of the initial contact of cases recorded is as follows:

Phone.....	1621	(69.2%)
Mail.....	526	(22.4%)
Visit.....	196	(8.4%)

The following is a breakdown of referrals: Citizens are not routinely asked who referred them. If the source of the referral is known or if it is known that the citizen was not referred by another person, the information is recorded. The breakdown of recorded cases is as follows:

General Assembly.....	85
Governor's office.....	146
Attorney General.....	22

State agencies.....	48
Other referrals.....	76
Congressional delegation.....	188
Not referred.....	249
Referral not recorded.....	1449

In general, the Citizens' Aide has enjoyed an excellent working relationship with state departments. Ombudsman scholars have reported that an Ombudsman can not function efficiently where government does not function efficiently. The success of the Ombudsman in Iowa as an effective problem solving mechanism is in part due to the excellent cooperation and dedication of public officials and employees of the various agencies.

The breakdown of cases by department is as follows: The totals will exceed the total number of contacts since many related to more than one agency or category.

State Government, generally.....	5
Accounting Board.....	1
Aging Commission.....	1
Agriculture Department.....	2
Arts Council.....	1
Attorney General.....	2
Consumer Protection.....	3
Auditor of State.....	1
Beer and Liquor Control Department.....	1
Blind Commission.....	3
Board of Parole.....	70
Board of Regents.....	3
Iowa State University.....	2
State University of Iowa.....	5

University Hospitals.....	2
School for the Deaf.....	1
Bonus Board.....	5
Veterans' Affairs Commission.....	5
Citizens' Aide.....	1
Civil Rights Commission.....	4
Commerce Commission.....	6
Comptroller.....	2
Conservation Commission.....	6
Crime Commission.....	1
Department of Environmental Quality.....	6
Department of Transportation.....	6
Highway Division.....	8
Motor Vehicle Division.....	6
Drivers' License.....	27
Vehicle Registration.....	8
Motor Vehicle Enforcement.....	5
Fair Board.....	5
General Services.....	1
Car Dispatcher.....	2
Health Department.....	10
Alcoholism Commission.....	3
Records and Statistics.....	4
Cosmetology License.....	1
Historical Society.....	1
Industrial Commissioner.....	12
Insurance Department.....	1
Job Service of Iowa.....	13
I.P.E.R.S.....	8
Unemployment Insurance Division.....	132
Labor Bureau.....	2
Medical Examiners.....	1
Natural Resources Council.....	2
Pharmacy Examiners.....	1
Planning and Programming.....	2
Public Defense.....	3
Military Division.....	4
Public Instruction.....	12
Vocational Rehabilitation.....	9
Public Safety.....	2
Highway Patrol.....	11
Bureau of Criminal Investigation.....	1
Fire Marshall.....	3
Real Estate Commission.....	1
Revenue Department.....	10
Income Tax.....	11
Property Tax.....	21
Sales and Use Tax.....	4

Secretary of State.....	2
Social Services (Excluding Corrections).....	35
Adult Corrections.....	219
Mental Health.....	8
Medical Assistance.....	15
Family and Adult Services.....	55
Child Support Recovery Unit.....	6
Income Maintenance.....	12
County Departments.....	43
Soil Conservation.....	1
State Appeal Board.....	1
Municipal Government, generally.....	47
Assessor.....	2
Attorney.....	1
Civil Service Commission.....	2
Council.....	11
Engineer.....	4
Health Department.....	4
Mayor/Manager.....	3
Police Department.....	39
City Jail.....	1
Street and Sanitation.....	10
Water Works/Solid Waste Fee.....	9
County Government, generally.....	17
Assessor.....	9
Attorney.....	9
Auditor.....	1
Board of Supervisors.....	9
Clerk of Court.....	1
Engineer.....	2
General Relief Office.....	3
Health Department.....	1
Roads Department.....	2
Sheriff's Office.....	12
County Jail.....	24
Treasurer.....	3
Schools and School Districts.....	20

The following are non-jurisdictional categories:

Governor's Office.....	3
General Assembly.....	4
Supreme Court and Judiciary.....	5
Federal Government.....	28

Social Security.....	18
Military.....	4
Veteran's Administration.....	3
Bureau of Indian Affairs.....	2
Wage Collections, Employment.....	16
Agency Employees' Complaints.....	8
Miscellaneous Legal.....	57
Criminal.....	44
Consumer.....	18
Child Support and Marital.....	16
Insurance Complaints.....	17
Workman's Compensation Complaints.....	4
Bank Complaints.....	2
Auto Dealer Complaints.....	6
Utility Complaints.....	21
Landlord-Tenant Problems.....	8
Non-governmental - Indian Related.....	1
Members of Legal Profession.....	1
Miscellaneous.....	84

The breakdown of contacts by county are as follows:

Adair.....	4
Adams.....	2
Allamakee.....	7
Appanoose.....	4
Audubon.....	1
Benton.....	6
Black Hawk.....	39
Boone.....	9
Bremer.....	2
Buchanan.....	4
Buena Vista.....	2
Butler.....	3
Calhoun.....	6, 17*
Carroll.....	2
Cass.....	3
Cedar.....	3
Cerro Gordo.....	19
Cherokee.....	3
Chickasaw.....	4
Clarke.....	2
Clay.....	7

\*denotes contacts received from correctional institutions.

Clayton.....	4	
Clinton.....	27	
Crawford.....	8	
Dallas.....	15	
Davis.....	1	
Decatur.....	4	
Delaware.....	6	
Des Moines.....	34	
Dickinson.....	1	
Dubuque.....	25	
Emmet.....	2	
Fayette.....	8	
Floyd.....	5	
Franklin.....	3	
Fremont.....	6	
Greene.....	1	
Grundy.....	1	
Guthrie.....	7	
Hamilton.....	1	
Hancock.....	3	
Hardin.....	8	
Harrison.....	10	
Henry.....	7	
Howard.....	5	
Humboldt.....	4	
Ida.....	2	
Iowa.....	1	
Jackson.....	2	
Jasper.....	12,	9*
Jefferson.....	1	
Johnson.....	25,	3*
Jones.....	8,	85*
Keokuk.....	5	
Kossuth.....	1	
Lee.....	12,	145*
Linn.....	73	
Louisa.....	0	
Lucas.....	4	
Lyon.....	2	
Madison.....	7	
Mahaska.....	9	
Marion.....	6	
Marshall.....	23	
Mills.....	3	

\*denotes contacts received from correctional institutions.

Mitchell.....	0
Monona.....	4
Monroe.....	2
Montgomery.....	2
Muscatine.....	4
O'Brien.....	1
Osceola.....	2
Page.....	6
Palo Alto.....	0
Plymouth.....	3
Pocahontas.....	3
Polk.....	266
Pottawattamie.....	31
Poweshiek.....	6
Ringgold.....	3
Sac.....	7
Scott.....	26
Shelby.....	8
Sioux.....	3
Story.....	19
Tama.....	6
Taylor.....	4
Union.....	3
Van Buren.....	3
Wapello.....	11
Warren.....	18
Washington.....	8
Wayne.....	2
Webster.....	16
Winnebago.....	4
Winneshiek.....	4
Woodbury.....	30
Worth.....	2
Wright.....	7

A total of 45 contacts were received from residents of 19 other states and one from the United States Territory of Guam. The breakdown is as follows:

Arizona.....	1
Arkansas.....	1
California.....	4
Illinois.....	9
Kansas.....	2
Massachusetts.....	1
Minnesota.....	4



Missouri.....	5
Nebraska.....	2
New Jersey.....	1
New York.....	3
North Carolina.....	1
Ohio.....	2
Oklahoma.....	2
Pennsylvania.....	1
Tennessee.....	1
Texas.....	1
Washington, D.C.....	1
Wisconsin.....	2
Guam.....	1

NUMBER OF CONTACTS AND POPULATION BY COUNTY

13

LYON 13,340 (2)	OSCEOLA 8,555 (2)	DICKINSON 12,565 (1)	EMMET 14,009 (2)	KOSSUTH 22,937 (1)	WINNEBAGO 12,990 (4)	WORTH 8,984 (2)	MITCHELL 13,108 (0)	HOWARD 11,442 (5)	WINNESHIEK 21,758 (4)	ALLAMAKEE 14,968 (7)	
SIoux 27,996 (3)	O'BRIEN 17,522 (1)	CLAY 18,464 (7)	PALO ALTO 13,289 (0)		HANCOCK 13,330 (3)	CERRO GORDO 49,335 (19)	FLOYD 19,860 (5)	CHICKASAW 14,969 (4)	FAYETTE 26,898 (8)	CLAYTON 20,606 (4)	
PLYMOUTH 24,372 (3)	CHEROKEE 17,269 (3)	BUENA VISTA 20,693 (2)	POCAHONTAS 12,729 (3)	HUMBOLDT 12,519 (4)	WRIGHT 17,294 (7)	FRANKLIN 13,255 (3)	BUTLER 16,953 (3)	BREMER 22,737 (2)			
WOODBURY 103,052 (30)	IDA 9,283 (2)	SAC 15,573 (7)	CALHOUN 14,287 (6o) (17c)	WEBSTER 48,391 (16)	HAMILTON 18,383 (1)	HARDIN 22,248 (8)	GRUNDY 14,119 (1)	BLACK HAWK 132,916 (39)	BUCHANAN 21,763 (4)	DELAWARE 18,770 (6)	DUBUQUE 90,609 (25)
MONONA 12,069 (4)	CRAWFORD 19,116 (8)	CARROLL 22,912 (2)	GREENE 12,716 (1)	BOONE 26,470 (9)	STORY 62,783 (19)	MARSHALL 41,076 (23)	TAMA 20,147 (6)	BENTON 22,885 (6)	LINN 163,213 (73)	JONES 19,868 (8o) (85c)	JACKSON 20,839 (2)
HARRISON 16,240 (10)	SHELBY 15,528 (8)	AUDUBON 9,595 (1)	GUTHRIE 12,243 (7)	DALLAS 26,085 (15)	POLK 286,100 (266)	JASPER 35,425 (12o) (9c)	POWESHIEK 18,803 (6)	IOWA 15,419 (1)	JOHNSON 72,127 (25o) (3c)	CLINTON 56,749 (27)	SCOTT 142,687 (26)
POTTAWATTAMIE 86,991 (31)	CASS 17,007 (3)	ADAIR 9,487 (4)	MADISON 11,558 (7)	WARREN 27,432 (18)	MARION 26,352 (6)	MAHASKA 22,177 (9)	KEOKUK 13,943 (5)	WASHINGTON 18,967 (8)	MUSCATINE 37,181 (4)	LOUISA 10,682 (0)	
MILLS 11,823 (3)	MONTGOMERY 12,781 (2)	ADAMS 6,322 (2)	UNION 13,557 (3)	CLARKE 7,581 (2)	LUCAS 10,163 (4)	MONROE 9,357 (2)	WAPELLO 42,149 (11)	JEFFERSON 15,774 (1)	HENRY 18,114 (7)	DES MOINES 46,982 (34)	
FREMONT 9,282 (6)	PAGE 18,507 (6)	TAYLOR 8,790 (4)	RINGGOLD 6,373 (3)	DECATUR 9,737 (4)	WAYNE 8,405 (2)	APPANOOSE 15,007 (4)	DAVIS 8,207 (1)	VAN BUREN 8,643 (3)	LEE 42,996 (12o) (145c)		

Upper number denotes county population, 1970 census.

Lower number ( ) denotes number of contacts.

"c" denotes correctional cases in CALHOUN, JASPER, JOHNSON, JONES & LEE COUNTIES.

"o" denotes other complaints in CALHOUN, JASPER, JOHNSON, JONES & LEE COUNTIES.

DEPUTY FOR CORRECTIONS/PRISON OMBUDSMAN - 1976

In 1976 there was a continuation of the steady flow of complaint referrals from outside sources. Complaints were transmitted to us by the federal courts in both the northern and southern districts of Iowa, by the office of the Governor, the numerous state and federal legislators and, for the first time, from the corrections structure itself. Complaints were referred to the Prison Ombudsman by the Board of Parole, Community Corrections and by the staff, both line and administrative, of the prisons themselves. This is viewed as a sign of acceptance by the prison officials in the state.

The Prison Ombudsman continued to provide specialized services to various portions of the legislative function. Assistance was given to the Interim Penal and Correctional Systems Study Committee, the Human Resources Committee and the Juvenile Justice Study Committee. Beginning in July 1976, the Prison Ombudsman also provided assistance to the Governor's Select Commission on Correctional Relief in its study of the overcrowding in the institutions.

Once again in 1976, the Prison Ombudsman was asked to perform as Amicus Curiae to the Federal District court in prisoner litigation.

The Prison Ombudsman attended two conferences in 1976 at the request of state representative Donald V. Doyle, chairman of the Penal Study Committee. Conferences attended were the National Association of Pretrial Service Agencies, and the annual conference of the VIP conference of the National Council on Crime and Delinquency.

Rule and policy review were given increased emphasis. Assistance was given to Legislative Rules Review Committee which handles oversight of the agency rules, specifically Division of Corrections, Division of Community Corrections Services and the Board of Parole. Later at the request of the Division of Corrections the Prison Ombudsman aided in rewriting and updating of the Inmate Grievance Procedure and the Policy and Procedure Manual for institutions under the Division of Corrections.

The Prison Ombudsman continued to administer the Legal Assistance to Inmates grant from the Iowa Crime Commission. This grant has provided free legal counsel to inmates with in-house complaints. The grant was terminated on December 31, 1976, and it is anticipated that the loss of this valuable resource will be keenly felt as time goes on.

The primary casework continued to be at the State Penitentiary at Fort Madison. The complaints tended to be in the traditional lines of food, medical care, parole complaints and physical conditions.

There was one extremely disturbing new factor which became evident about the middle of 1976. A sharp increase in the number of justified complaints concerning the physical abuse of inmates by correctional officers. This resulted in a series of suspensions and terminations of employees and, on one occasion, a referral for criminal charges. During the last six months of 1976 the Ombudsman investigated more than twice as many incidents of this type than in all previous years combined. It is the opinion of the Prison Ombudsman that this type of incident is, at least in part, a result of the stress on employees and inmates alike, brought about by overcrowded conditions.

In spite of a concerted effort to increase efficiency, the Ombudsman is still falling behind at an alarming rate in its availability to the growing population and growing number of correctional institutions. This points up the need for an increase in the Ombudsman staff to handle the increased workload.

The Prison Ombudsman has been forced to limit his operation to the Adult Penal institutions: the Penitentiary at Fort Madison, Men's Reformatory at Anamosa, the Women's Reformatory at Rockwell City, the Iowa Security Medical Facility at Oakdale, the Riverview Release Center at Newton and Luster Heights Work Camp at McGregor. This cut-back has placed the burden of serving the county jails and the juvenile institutions upon the other staff members, making it impossible to give them the attention which they deserve.

The Penal Study Committee has voted to sponsor legislation to add one staff member to the office of the Ombudsman for work in this area.

## DEPUTY FOR INDIAN AFFAIRS

The most critical case investigated by the deputy involved a Sioux Indian who was in a county jail awaiting trial in federal court. He had been beaten by a county jailer who believed it was necessary to obtain identification photos and fingerprints at the instant rather than waiting for the inmate's consultation with his attorney. Another attorney visiting an inmate witnessed the beating and produced an affidavit at Citizens' Aide's request. It disputed the jailer's version of the incident. Presently, the court has yet to prosecute charges filed by the county attorney against the jailer.

The Sioux City American Indian Center refers clients to the deputy. One such client could not get information about her son's alleged beating by a jailer in another state. She also could not locate the jail where the incident occurred. Through Citizens' Aide and the Governor's Office, it was learned the beating was not serious and the Indian had been released from jail under bond.

When supporters of two American Indian Movement members, who were on trial in federal court, had difficulty borrowing tents from the Iowa National Guard, Citizens' Aide was contacted to help convince officers that responsible people would sign an agreement to reimburse the Guard for any loss or damage to

any tent. The negotiation was successful, and, except for one tent which was ripped by a windstorm, all tents were returned intact.

The U.S. Department of Interior's Bureau of Indian Affairs (BIA) continues to be a subject of inquiries probably because that agency continues to exert influence over the lives of many Indians. One question received was whether the BIA should pay tuition for two Navajo children under the care of an Arizona Catholic mission and currently visiting in the home of Iowa residents. The BIA replied that in this case, the federal government was not obligated to provide education.

The deputy also helped find space in an Indian boarding school in Utah for a client with a son who had applied too late at other boarding schools.

After learning of the deputy's position in state government, several federal government offices requested specific information from the deputy. Other federal government offices began sending information papers concerning Indian people. The U.S. Department of Commerce asked whether the state could provide a map and information about Indian lands in the state. Citizens' Aide provided a county map and information about the Mesquakie Indian Settlement in Tama County.



At the request of the deputy and the tribal council at the Mesquakie Indian Settlement, the Iowa Department of Transportation revised its map to designate the Indian land as the "Mesquakie Indian Settlement." The previous designation "Tama Indian Settlement" was incorrect as far as the tribal council was concerned since they prefer being called Mesquakie Indians.

The deputy learned from a client that a retailer was displaying bones and boasting they were from an Indian burial mound. Noting the practice of possessing skeletal remains of humans was in violation of recent Iowa legislation, the deputy contacted the state archaeologist who then arranged for re-burial of the bones in a state-designated burial site.

During the Iowa Division on Alcoholism's investigation of the administration of a rehabilitation center for Indian alcoholics, the deputy was instrumental in convincing the division that such a program operated by and for Indians could be effective. The deputy's earlier research found no study which pinpoints the reason for Indian alcoholism. It was also decided by the Citizens' Aide that the state had not provided adequate guidelines for the program's operation. State and federal officials are currently re-

vising the program for the center's operation in early 1977.

An unresolved complaint which may turn into a court matter involves the issue of whether an Indian inmate should be allowed to possess sacred Indian tobacco inside the Iowa State Penitentiary. The tobacco, unlike commercial tobacco, is grown and distributed only on Indian lands by and for Indian people. Citizens' Aide decided the inmate cannot be denied the tobacco which is used as a prayer offering and that such denial is a violation of a constitutional right to freedom of religion. The Penitentiary cannot handle the tobacco request because the subject is deemed contraband and the inmate is open to harassment and danger if administration or other inmates learn of his possession of the tobacco. The case has been referred to attorneys at the University of Iowa College of Law.

Much of the deputy's duties involved participating in seminars, conferences, committee meetings and strategy planning which involved Indians in the state and federal government levels. Two hearings were held in the Iowa area by the American Indian Policy Review Commission. The commission will submit recommendations to Congress in February 1977 based on their findings.

Problems discussed at the hearings concerned urban Indians and alcoholism. Urban Indian community leaders stated there was a lack of funding to provide support services for urban Indians. Another problem considered was a lack of services usually provided to reservation Indians such as medical care, educational funds, and housing. Other problems were the misleading Indian population census figures, a lack of state funding for proposed programs, inadequate training opportunities for Indian personnel in alcoholism programs, and inadequate federal government in-depth research of alcoholism problems.

A U.S. Supreme Court decision which held that states and counties could not impose taxes upon Indians who live and work on Indian reservations was discussed by Citizens' Aide with the Iowa Department of Revenue, Attorney General staff, representatives from the Mesquakie Indian Settlement and the news media. A BIA representative stated sales taxes for items purchased and delivered to a home on Indian lands were being refunded to reservation Indians in other states. One Mesquakie Indian stated she would apply for a refund of her sales tax for a mobile home which was delivered to the settlement.

The deputy chaired the Advisory Committee on Indian Education. That committee selected an Indian Education Consultant for the Iowa Department of Public Instruction.

A major undertaking for the deputy was to spend one week in Washington, D.C. and familiarize himself with the many federal government offices that had programs concerning Indians. Offices and personnel visited included the BIA; HEW's Office of Native American Programs and Indian Health Service; Department of Labor; and, the Economic Development Administration.

The deputy does not have statutory authority to question the actions of the federal government or the tribal council but he can refer problems to the proper federal agency. Tribal councils on reservations usually direct their replies only to the Indian individuals involved. Some questions the deputy handled concerned tribal enrollment procedures and tribal projects. When his other duties permit, the deputy also assists with general case work.

One year in office is not sufficient to determine the ultimate effectiveness of the position. The deputy expects a growing workload involving Indian peoples and their roles in and expectations of various government bodies.

## CASE SUMMARIES

On April 12, 1976, citizen called stating that she had applied for unemployment benefits on February 17, 1976, and heard nothing until April 12th when she received a notice stating that there had been an employer protest. An investigation revealed that Job Service had misplaced and mishandled her claim. On the application she had checked "discharged". When this is done, Job Service automatically sends out a notice calling the applicant in for an explanation of the discharge. This was not done. Employer notices were sent out and responses received but nothing was done about it. The folder had been filed in error. The state office contacted the local Job Service and asked that they call in the applicant and resolve the matter. On that same date, the local office called the citizen in and the matter was resolved. The former employer had alleged misconduct but had not substantiated the allegations. The claim was cleared and the citizen's check would be mailed out in a matter of a few days. (76-391)

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Citizen telephoned on December 14, 1976, stating that they have adopted eight "special" children and that they were attempting to adopt another "special" child who was in the custody of the State of Illinois. A special child is a child with problems and is not usually considered adoptable. They wanted very much to have this child in their home for Christmas.

Citizens' Aide contacted the State Department of Social Services Director of Adoptions and learned that the State of Illinois had not furnished Iowa with the necessary adoption papers to complete an Illinois Interstate Adoption. A telephone call to the Director of Adoptions for the State of Illinois in Springfield revealed that the hold-up was in the North District Office (Chicago area). The State Office insisted that the District Office forward the adoption papers immediately in order to complete the placement.

Citizens' Aide monitored the progress and kept the adoptive parents informed until December 20, 1976, when the boy arrived and placement was completed. (76-1387)

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Citizen was denied military service exemption on his property tax by the County Assessor because he was currently on active duty. Citizen had served in the military off and on since 1957.

Citizens' Aide determined that citizen had served during one of the periods of war as enumerated in Section 427.3 and was honorably discharged for a definable period of time. Citizens' Aide checked with the Property Tax Division of the Revenue Department and they agreed that citizen was eligible to claim service exemption even though he was on active duty at the time of application. Citizens' Aide explained eligibility to citizen and referred the County Assessor to the Revenue Department's bulletin defining such eligibility. Citizen was granted the exemption. (76-381)

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Citizen complained that the Highway Division of the Department of Transportation had not honored the terms of their right-of-way contract with him. The citizen had contacted officials of the Department of Transportation and was most unhappy with the response he had received from them.

Citizens' Aide's investigation revealed that the Highway Division had contracted with him when the plans were for complete reconstruction of a highway which involved his farm. Later, the Highway Division decided to widen and resurface the existing highway but it did involve reconstruction in some areas. Since the Highway Division had changed their plans, they did not feel that they were obligated to perform as contracted with the complainant.

After studying the contract and visiting the site in question, Citizens' Aide contacted the Highway Division informing them that it was our opinion that they had not properly fulfilled their obligation to the complainant. Citizens' Aide explained that the farmer was in no way a party to the decision to change the plans and that it would seem logical that a renegotiation of the contract was in order at that point. Instead, it appeared that the Highway Division moved in, took what they wanted, and moved out without making any attempt whatsoever to satisfy the complainant. Certain projects agreed upon in the signed contract would have constituted definite improvements to the farm property in question.

The department agreed to meet with Citizens' Aide and the complainant at the site to negotiate a resolution. A compromise was reached which was agreeable to the Highway Division and to the complainant. (76-855)

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A nonacademic school employee was paid unemployment benefits for a two-week period during Christmas vacation of 1975. The claim was processed prior to a ruling by the Employment Security Commission which denied benefits to school employees who were under contract. The benefits paid to the employee were, therefore, handled as an overpayment and the employee had been asked to return the \$54 paid her.

Investigation by Citizens' Aide revealed that the commission had assumed that she had applied and been granted benefits under SUA when, in fact, she had received the benefits under regular unemployment for which she qualified. Job Service then rescinded their \$54 overpayment. The citizen was so informed. (76-693)

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A citizen complained that a private concern had refused to return money given on a door to door sales contract which the citizen had rescinded. The company notified the citizen that she should remit the rest of the money immediately under the contract. The citizen had paid the salesman in cash and merely wanted a refund. Although the matter was clearly non-jurisdictional, Citizens' Aide wrote a letter to the company explaining the matter and requested a refund. Citizens' Aide received a response from the company indicating that the citizen's money had been returned through a check issued by the company which was received one day after Citizens' Aide received a response from the company. Both the company and the citizen were appreciative of Citizens' Aide's intervention and the matter was satisfactorily resolved for both parties. (76-537)

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Citizens complained they had purchased a car in Omaha, Nebraska, one weekend and were transporting it back to Polk County on the following Monday. A highway patrolman

stopped them outside of Atlantic and issued a traffic citation for improper transportation of a vehicle without sufficient state registration. The citation was later torn up by the patrolman and the car was seized and impounded. The citizens had hand lettered a sign showing the vehicle was in transit with the owner's name and address. Citizens' Aide contacted the Highway Patrol and requested an investigation. The Highway Patrol responded that the citizens should have made application in Nebraska for a 30-day in-transit plate so that the vehicle could be moved through Iowa to Polk County. The citizens were left with two methods of action: the vehicle could be inspected and released at Atlantic so that the citizens could go to Polk County and apply for license plates to take back to Atlantic in order to drive the car to Polk County. The second method was that the citizens could go to Omaha and request a 30-day in-transit plate after paying the required fee. Citizens' Aide explained the two options and the citizens then traveled to Omaha and were successful in getting a temporary in-transit plate. The Highway Patrol indicated that the trooper had over-stepped his function in destroying the traffic citation as he had usurped the function of the court; for his actions the trooper received a reprimand. However, Citizens' Aide was extremely pleased with the assistance of the Highway Patrol in that the authorities alerted the Atlantic authorities so that the citizens would have no difficulty in getting their vehicle released. Although the complaint itself was without justification, the matter was resolved satisfactorily for everyone concerned. (76-960)

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A State Representative contacted Citizens' Aide concerning homeowners in his district who were having problems with a County Assessor. The homeowners had purchased real estate in 1974 and recorded the deed in March of that year. In April of 1974, a foundation was poured for a pre-fabricated home which was moved onto the property in June of 1974. The assessor began assessing the citizens for their property for the full year of 1974 instead of from the time in which improvements were made upon the land by the addition of the home. Citizens' Aide wrote to the assessor requesting a review of the situation; the assessor responded that an error in valuation had been made and that now the necessary arrangements were underway for reimbursement to the citizens. The error was originally caused by misin-



terpretation of the fiscal year bill (S.F. 1020, 64 G.A.). The complaint was then justified and has been satisfactorily resolved. (76-716)

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A citizen complained that the City of Council Bluffs was attempting to tow a vehicle stored on her property belonging to her daughter and son-in-law who were then in the military. The owner of the vehicle had stored the plates in accordance with the Iowa Code while he would be out of the state. The citizen had placed the vehicle on blocks in her back yard and a city ordinance required the vehicle to be in a garage or on the yard of an auto dealer. The ordinance gave no leeway for military storage. Citizens' Aide wrote the city and requested an investigation and an explanation. The response was a very detailed response indicating that the vehicle would not be taken from the citizen but that they would administratively decide on vehicles stored for military privileges or for other purposes of a temporary nature. The Office of Planning and Community Development was also working on the process of developing an ordinance which would meet all the concerns raised by the city council and the Health Department and concerned citizens of the community. The matter was resolved satisfactorily for the citizen and the city is to take a scrutiny of its ordinance. (76-676)

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The Ombudsman was contacted by an inmate at the State Penitentiary who had recently been injured on a meat saw in the prison kitchen. The inmate contacted the Ombudsman in reference to his desire to file a law suit. He was provided with the information necessary for that situation but the Ombudsman felt that an investigation of the matter was appropriate.

The investigation revealed that the institution's safety standards were inadequate. Further, the Ombudsman uncovered the fact that the supervisor in the Penitentiary kitchen had falsified public documents relative to the incident. When the facts were made known to the authorities at the Penitentiary, the food service supervisor was terminated from his position. (76-1254)

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The Ombudsman was contacted by an inmate, who is serving a life sentence at the Penitentiary, in reference to the fact that his grandmother was dying and that he had been refused a deathbed visit. The Ombudsman viewed the policies of the Division of Corrections and determined that the deathbed wish was appropriate under their own policies, since his grandmother had been responsible for his care when he was a child. (The decision turns on the relationship between the person in question and the inmate.) The Ombudsman recommended a deathbed visit to the grandmother and the visit was allowed. (76-579)

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The Ombudsman was contacted by the administrative staff at the Reformatory in reference to rumors that the level five honor area at the Reformatory was being used as a central location for trafficking in marijuana and gambling which was being aided by certain prison staff. The Ombudsman conducted an investigation into the matter, took sworn testimony from a number of inmates and determined that this was indeed so. The Ombudsman, upon conclusion of his investigation, turned the information over to the Reformatory staff. A surprise search was made of this area which resulted in confiscation of considerable amounts of cash, marijuana and the eventual release from duty of correctional officer assigned to that area. (76-759)

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The Ombudsman was contacted by the family of an inmate who had been beaten and teargassed at the Penitentiary. The Ombudsman conducted an investigation into the circumstances surrounding this matter and determined that the tear gas and beating were inappropriate and illegal. Sworn testimony was taken from eight correctional employees. This information was turned over to the personnel staff at the State Penitentiary. This investigation resulted in the termination of employment of two correctional officers and the reduction in rank of a correctional supervisor III. The decisions were appealed to the State Merit Commission which upheld the action and recommendations of the Penitentiary personnel staff and the Ombudsman. The Ombudsman was called to testify in this matter and did provide testimony voluntarily although statutorily immune from the subpoena issued. (76-699)

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The Ombudsman was contacted by the wife of an inmate at the State Reformatory who had recently had his parole revoked because of criminal charges filed against him. The inmate had been later found innocent of the criminal charges. The Ombudsman presented this matter to the Board of Parole and his parole was reconsidered. The inmate was given a two month extension on the parole revocation and informed that as soon as he provided a new parole plan, he would be released again into the community. (76-137)

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The Ombudsman and Deputy for Indian Affairs collaborated on the complaint of an Indian inmate at the Penitentiary who had been placed on disciplinary report for failing to stand for a head count. The inmate had been taken before the disciplinary committee and given a second disciplinary report for contempt of that committee because of remarks he made to the committee. The Ombudsman recommended and received a dismissal of the second report because it was inappropriate according to the case law on prison disciplinary hearings. The Prison Ombudsman later directed and assisted in the rewriting of the Division of Corrections' policy on disciplinary hearings. (76-405)

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OFFICE OF CITIZENS' AIDE  
LEGISLATIVE PROPOSALS TO BE INCLUDED IN ANNUAL REPORT  
FOR CALENDAR YEAR 1976

1. The real strength of an Ombudsman office lies in its ability to obtain accurate and full information from all agencies. Section 601G.9(3) states that the citizens' aide "may examine the records and documents of all agencies not specifically made confidential by law". This, in effect, gives the citizens' aide access to public documents only. There is no similar exclusion in the acts establishing the Hawaiian Ombudsman nor the Nebraska Ombudsman. It is suggested that the General Assembly amend the Citizens' Aide Act to delete the phrase from Section 601G.9(3) "not specifically made confidential by law".
  
2. Chapter 1245, subchapter 3, Division VIII, Sections 802 through 806, Acts of the 66th General Assembly, Second Session, provide that preliminary parole revocation hearings for parolees in the community be conducted in magistrate's court. Considering that 1) the average magistrate may not have the expertise to deal with complex and specialized correctional matters concerning questions of parole rules and revocations; 2) magistrate's court dockets may already be overburdened making it difficult to assure that sufficient time will be given to this new responsibility; 3) this could result in more preliminary revocations and an increased number of individuals replaced on parole after examination by the Parole Board itself; and 4) this would bring about a partly judicial and partly administrative proceeding, the Citizens' Aide recommends that the above mentioned sections be repealed and that this function remain with the Board of Parole.
  
3. Many housing developments are being started throughout the state in unincorporated areas. Most of these areas are not subject to zoning regulations of any

kind. A number of these are lake developments. Many purchasers of lots are faced with unpaved streets which are in poor condition, sewage systems which are inadequate or non-existent, and poor water supplies. There is no requirement that a developer notify anyone of his intention to subdivide a plot of land. For example, a County Board of Supervisors was not aware of one housing development until purchasers came in to apply for building permits. This development still does not have paved streets. Each house has individual septic systems because there is no sewer system, and water comes from wells.

Particular problems have occurred regarding lake developments. Two lake developments in the central Iowa area have recently gone bankrupt leaving lot purchasers with unfulfilled promises.

It is recommended that legislation be enacted to require developers to install certain basic services, such as paved streets, sewage systems and water systems, and provide for inspection and approval from a designated state or local agency. The legislation should require the services be installed and approved before the developer can legally sell any lots.

4. Community Action agencies are set up to assist lower income persons, particularly, to help them become employable and self-sufficient. Many times the turnover rate of those who are employed by a Community Action agency is very high. A recent ruling by the Appeal Board of Job Service of Iowa has declared two of these Community Action agencies as instrumentalities of political subdivisions and placed them on a reimbursable basis with regard to unemployment benefits paid. It is unclear whether they should be considered instrumentalities under the law. The Attorney General's office in a November 9, 1976 Opinion was unable to reach a conclusion.

These agencies are not sufficiently funded to withstand the reimbursable requirement; such agencies may be forced out of existence. It is suggested that legislation be enacted which details how these agencies should be treated with regard to unemployment benefits.

5. Chapter 154B of the Iowa Code establishes the practice of psychology and provides for the licensing of psychologists. Section 154B.6 permits the licensing of an individual who holds a masters degree in psychology and has five years of professional experience; two of which shall have been under the supervision of a licensed psychologist. While it may have been the intent of the General Assembly to permit the licensing of persons with a masters degree, the actual effect of the two year supervision requirement has been to deny licenses to those with masters degrees. Citizens' Aide recommends that the General Assembly review Chapter 154B to permit the licensing of those with masters degrees if they have the necessary five years experience and two years of supervision under either a licensed psychologist or someone who held a specialty diploma from the American Board of Professional Psychology prior to the licensing in Iowa.
6. Citizens' Aide recommends the Legislature consider corrective legislation to clarify access to medical records of patients and former patients of hospitals, physicians or mental health institutes. Those persons are presently being denied or unduly restricted in their access to documents concerning them. With the permission of the person involved, medical records can now be divulged only to another physician, hospital or attorney in fact. However, the information has been released to insurance concerns. The patient or former patient currently has no right to release the information to himself.
7. Elderly citizens living on fixed incomes are sometimes placed in the position of losing their homes because they are unable to pay assessments for street or sewer repairs or construction. It is suggested that the General Assembly consider legislation permitting counties to suspend such assessments in a similar manner as property taxes are suspended pursuant to Sections 427.8 through 427.12 of the Iowa Code.
8. Structures used to seat persons viewing stock car races in Iowa are not subject to safety inspections by the Labor Bureau or any other state or local governmental agency. It was brought to the Citizens' Aide's attention

that one grandstand for the viewing of stock car races was hit by a car during the race and the force of the accident rocked the entire grandstand structure. This particular grandstand was quite old and could have collapsed. The grandstand is a permanent structure and is not covered by the Carnival Act legislation which gave authority to the Labor Bureau to investigate and impose safety requirements. It is suggested that the General Assembly consider giving authority to the Labor Bureau to impose safety standards in any structure not covered under present law at which large crowds of people gather to witness events.

9. Civil service for a municipal employee is governed by Chapter 400 of the Code. Civil service for deputy county sheriffs is governed by Chapter 341A of the Code. Under existing law, with the exception of a chief of police or fire chief, a person desiring to transfer from a job under one civil service commission to a job under another civil service commission cannot transfer his accrued pension, or seniority. He may be required to take another civil service test, even though his new duties are not significantly different from his former duties.

Citizens' Aide suggests the General Assembly amend Chapters 400 and 341A to provide for the transfer of benefits for persons transferring from one jurisdiction to another. Citizens' Aide further suggests the General Assembly amend the above mentioned chapters to permit combined county-municipal civil service commissions which might be more economical and efficient. Citizens' Aide further suggests the General Assembly establish a State Civil Service Board which could give oversight to local commissions and could review rules and regulations and testing to promote uniformity between the various commissions throughout the state. As an alternative to the establishment of a commission, the General Assembly might consider whether the State Merit Department could assume this responsibility.

10. The Citizens' Aide recommends the General Assembly consider adopting a retirement plan for correctional officers which would permit retirement at age fifty-five (55) or after twenty-five (25) years of service.

11. Free legal services are available in only a handful of counties in Iowa, mainly the more heavily populated counties. Chapter 252 of the Iowa Code permits General Relief agencies to expend money for legal services to indigents in civil matters as long as there is a legal aid program approved by the Board of Supervisors. It is suggested that the General Assembly consider whether to make the establishment of such programs mandatory.
  
12. The Alcoholism Commission contracts with and funds local agencies for the treatment of alcoholism. Businessmen providing goods and services to these local alcoholism treatment centers many times are under the impression that they are dealing with agencies of state or county government. In fact, some treatment centers are private corporations. If such an agency closes, there is no provision for paying outstanding debts. Since there are governmental funds involved, Citizens' Aide suggests that the General Assembly consider taking steps to reduce the risk of this happening in the future. One suggestion would be to make officers of any such agency or corporation personally liable for debts incurred by the agency if the agency becomes insolvent or is not funded. Another possibility would be that if the Alcoholism Commission decides to not fund a local program any further that outstanding debts will be paid by the State Alcoholism Commission. Another possibility might be the bonding of the local agencies' officers and employees.
  
13. It is suggested that the General Assembly consider whether persons in need of public assistance might be served more efficiently, and at less expense to the taxpayer by combining present relief agencies, Veteran's Affairs, General Relief and County Departments of Social Services, into one agency at the county level. The County Departments of Social Services could likely perform the functions of the other offices. In most counties, General Relief is already combined with Social Services.

It should also be pointed out that many county General Relief agencies still adhere to the one year residency requirement with regard to a person applying for relief. This is contrary to the opinion of the United States



Supreme Court in Shapiro v. Thompson which was applied to counties in Iowa in an Opinion of the Attorney General dated January 12, 1972. It is suggested that the General Assembly amend Chapter 252 of the Iowa Code to clearly reflect the Shapiro decision.

14. It is suggested that the General Assembly consider whether inmates at the state's correctional institutions who perform work for the state should be covered by workman's compensation.

It is further suggested that the General Assembly amend the law concerning safety inspections of the Labor Bureau so that it is clear that working conditions of inmates in correctional institutions are covered by the safety laws and that correctional institutions are subject to safety inspection by the Labor Bureau.

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