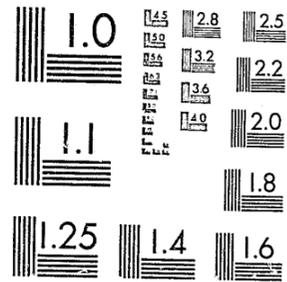


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12-18-84

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

95282



JANUARY 1, 1977 - - DECEMBER 31, 1977
SEVENTH ANNUAL REPORT

U.S. Department of Justice
National Institute of Justice

95282

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STATE OF IOWA



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

In reply, please refer to:

February 15, 1978

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
(Second Session)

Dear Gentlemen and Ladies:

As provided in Section 601G.18, Iowa Code 1977, I submit the attached report of the Citizens' Aide/Ombudsman, for the period from January 1, 1977 through December 31, 1977.

Sincerely,

Ruth L. Mosher
Ruth L. Mosher (Mrs.)
Acting Citizens' Aide/Ombudsman

RLM:jg

Attachment

FOREWORD

The office of the Citizens' Aide/Ombudsman (CA/O) has been without a director for the entire year of 1977. The director's duties have been assumed by the CA/O's first deputy, as provided by statute. Being short a staff position is particularly difficult for a small agency such as ours. It was, therefore, necessary that the Acting CA/O and the three remaining professional staff put forth extra effort to keep the case work current without backlog.

We have focused our attention on establishing procedures to provide greater uniformity and efficiency in our handling of complaints in order to maintain, without backlog, the quality of our case work. We remain flexible, however, without the aid of form letters and rigid methods which bring about an impersonal approach to complaint handling.

We have kept statistics this year which have not previously been recorded. We now have figures to report those contacts which are not made into case files, but reflect a substantial amount of our attention through the year. These are contacts which do not require correspondence or a great deal of follow-up. Handling many contacts in this fashion enables us to give other more substantial complaints the time and energy they require for resolution.

We have developed a team approach to extensive investigations which require that sworn testimony be taken from a large number of people. We have established procedural guidelines to be followed in such investigations, not only to be certain that all relevant questions are posed, but to eliminate superfluous information.

We have concentrated on making the CA/O more visible to the general public by making various contacts and public appearances, as well as providing printed literature. Our efforts continue towards establishing a closer relationship with the legislature.

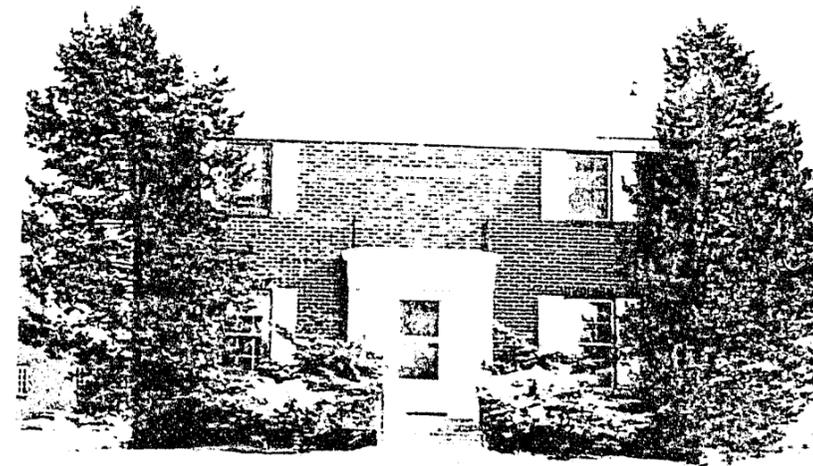
The CA/O was chosen as a model for the proposed federal complaint handling system, by the Center for Governmental Responsibility. The CA/O was so honored because of our success and reputation as an outstanding complaint handling agency.

The Acting CA/O attended the first United States Association of Ombudsmen Conference in Seattle. At this conference a board of directors was elected and plans are being made for the 1978 USAO conference, to be held in Dayton, Ohio.

The CA/O was also successful in quashing a federal subpoena during 1977. This set an important precedent: previous attempts to do so have been unsuccessful.

Further information on these and other significant events of 1977 will be addressed in more detail in the following report.

Beth L. Mosher
Acting Citizens' Aide/Ombudsman



CITIZENS' AIDE/OMBUDSMAN
515 East 12th Street
Des Moines, Iowa
50319

515-281-3592

The U.S. CONSTITUTION and the IOWA CONSTITUTION guarantee a citizen the right to petition his government for redress of grievances.

The CITIZENS' AIDE/OMBUDSMAN provides the mechanism through which to channel those grievances.



RUTH L. MOSHER
Acting Citizens' Aide/Ombudsman

CITIZENS' AIDE/ OMBUDSMAN



Patricia Nett
Secretary/Receptionist



RAYMOND A. CORNELL
Deputy for Corrections
(Prison Ombudsman)



FRANK THOMAS
Legal Analyst



ANDREW ROBERTS
Duputy for Indian Affairs



Judy Green
Secretary/Bookkeeper

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OUTREACH

We believe that every citizen with a need for Citizens' Aide/Ombudsman (CA/O) services should be aware of our function and should know how they can contact us. The CA/O has, therefore, made a concerted effort during this year to become more visible to the general public throughout the state. To proceed towards this goal, we have distributed printed material and made radio, television and personal appearances.

The CA/O is in the process of developing a unit of study for high school social studies students relative to the function of the CA/O. This is being done in conjunction with the Malcom Price Laboratory School at the University of Northern Iowa. This publication is to be available to teachers for the 1978 fall semester.

In addition to this effort, we sent a letter and brochures to all of the County Boards of Supervisors asking that they display our literature in a prominent place in the county courthouses. We also sent brochures and a letter to all Iowa radio stations along with a public service announcement. In our letter to the stations we expressed our willingness to appear for personal interviews. As a result of this mailing, we participated in many such interviews.

The Acting CA/O participated in the Drake University's Institute in State and Local Government and the Des Moines/Ames Broadcasters Leadership Survey interview.

RADIO AND TELEVISION

Fort Dodge

KVFD Radio - a fifteen minute interview.

Davenport

WOC Radio - a ninety-five minute program "INTERCOM".

WOC Radio - an interview on the program "RAPPING".

WOC Radio - an interview on the program "CLOSEUP".

Sioux City

KCAU TV - a thirty minute interview on the program "SPOTLIGHT".

KSCJ Radio - a five minute interview.

Cedar Rapids

KCRG Radio - a ten minute interview.

KCRG TV - a fifteen minute interview.

Ames

WOI Radio - an interview every two weeks.

Council Bluffs

KRCB Radio - an interview.

Des Moines

WHO TV - a thirty minute interview on the program "INSIDE IOWA".

KDMI Radio - a thirty minute interview.

WHO Radio - a thirty minute program "WOMEN IN PRISON".

KDIN TV - a thirty minute program "THE PRISON OMBUDSMAN".

Iowa Network (seventeen radio stations) - an interview for use as a feature story.

IOWA LAWMAKER Publication - an interview.

CA/O CHOSEN AS MODEL OMBUDSMAN

In July of 1977 the Center for Governmental Responsibility (CGR) contacted CA/O explaining that they were planning an experimental federal complaint handling program and would like to study several aspects of the Iowa CA/O program.

The CGR explained that their interest in complaint handling stems from two years of research performed on various European ombudsman systems. The natural outgrowth of the research is their current effort to institute an experimental federal complaint handling program through the Federal Information Centers (FIC).

The CGR received grants from the University of Florida and the McIntosh Foundation to study an already existing complaint handling model in the United States. Iowa was selected not only because it is an executive model but also because of its reported record of success.

CGR representatives stated that they would like to familiarize themselves thoroughly with the actual operation of the Iowa CA/O program. They began their study with a questionnaire surveying state agency personnel and legislators with whom CA/O has interacted. The survey focused on agency and legislative response, both initial and current, to the implementation of the CA/O office. CA/O furnished the CGR with the necessary lists and cover letters and also participated in formulating the survey forms.

In October, two representatives of CGR visited CA/O to explore in detail the operation of our office and query us relative to problems encountered and the means by which these problems are resolved. They explained that all of this was done to effect a smooth transition into the implementation of a proposed Florida FIC pilot project.

At a later date, CA/O requested that CGR survey complainants and the congressional delegation. They agreed to do so. In the complainant survey, the general public and prisoners were surveyed independently. When responses were tabulated CGR discarded the prisoner responses because they felt that the percentage received was not sufficient to constitute a valid survey.

The information on the returned questionnaires was tabulated by computer and only the results, without identification, were made available to CA/O. We were particularly pleased with the resounding vote of confidence received from the Congressional Delegation. However, the most gratifying statistic was that 100% of the complainants who responded indicated that they were treated courteously by CA/O.

A statistical summary of the survey results is appended to this report. More detailed information may be made available upon request.

IOWA WOMEN'S REFORMATORY
ROCKWELL CITY

During 1977 the Citizens' Aide/Ombudsman (CA/O) became involved in a three phase investigation of the Iowa Women's Reformatory (IWR) at Rockwell City. The investigations were done by the Acting CA/O, Prison Ombudsman and the Legal Analyst, as a team.

ALLEGATIONS OF RACIAL BIAS

The first investigation stemmed from anonymous allegations of racial bias involving primarily visitation privileges and disciplinary actions. In this instance, the Department of Social Services (DSS), Division of Corrections, asked that CA/O investigate these charges.

CA/O interviewed inmates and staff and reviewed all disciplinary actions and sanctions. CA/O could not find any substantial difference in treatment between black and white inmates in this regard. There was some indication that the underlying tension was due to sexual role playing and inmate power struggles which occur on a periodic basis.

CA/O determined that inmates could well develop the feeling that disciplinary actions are racially motivated as there are no black staff members at the institution. The IWR is isolated in an all white rural area. The nearest black community is some twenty-five miles away.

CA/O's investigation of visiting problems did not result in any conclusion that the staff had acted with racial motivation. CA/O discovered that some inmates have visitors who are known to be actively involved with drugs outside the institution. As a consequence, those people are more closely watched than other

visitors. Visitors with documented drug involvement have, in the majority of cases, been black. However, not all of the persons who have been under scrutiny and subject to stringent searches have been black.

CA/O determined that one major problem in enforcement of visiting regulations at Rockwell City is due to the physical structure of the IWR. There is no perimeter security, which would allow the holding and searching of visitors before entry. At IWR vehicles are brought onto the grounds with easy access to them by inmates and visitors.

CA/O criticized the superintendent for making an inappropriate statement to a black inmate on at least one occasion. The inmate had been involved in a disturbance and the superintendent used language, normally defined as cursing, which was directed to the inmate. Upon reflection, the superintendent decided that the use of that language was inappropriate and he issued the following apology:

"In our brief conversation the night of September 8, 1977, I used an inappropriate term to you. In this usage of such a term, an apology is due you. I fully believe you to be one of the most a-moral, unscrupled, anti-social criminals in the State of Iowa."

CA/O submits that this was really not an apology but served to aggravate the situation. CA/O determined that the superintendent should use appropriate language in the future and should not render apologies which he does not mean. There was no indication, however, that the superintendent's comments were directed to this particular individual because of her race. The inmate is black but it is CA/O's opinion that the superintendent would have been just as likely to make these comments about a white inmate.

CA/O concludes that the complaints made by the inmates at IWR were not based on fact, however, CA/O also concludes that it is possible for inmates to form these opinions due to the haphazard fashion in which security measures have been taken.

CA/O also concluded that the institution had been faced with the reality of more inmates with drug involvement and drug connections in the community.

CA/O recommended that IWR obtain more minority staff and that they immediately promulgate and enforce rules for stringent regulation of visitors. CA/O also recommended that DSS, Division of Corrections, examine the behavior of the superintendent in this specific instance and determine whether disciplinary action is warranted.

SUMMARY OF DSS RESPONSE

The response from the department indicated that more precise rules would be formulated and enforced relative to security measures and that affirmative action recruitment efforts had been made in the past and would continue. The department also agreed that the criticism of the superintendent's behavior was appropriate. They indicated that the superintendent had accepted counseling in a positive manner and that no further disciplinary action was planned.

USE OF INFORMANTS AND CONTRACT RELEASE PROGRAM

The CA/O received a complaint from a prisoner at the IWR. She alleged that the superintendent had violated the terms of an agreement between them and that he was harassing her.

According to the complainant, the agreement was that she would provide him with information concerning misconduct of inmates assigned to the Iowa Central Community College (ICCC) located at Fort Dodge. In return for her information, he dismissed certain disciplinary reports.

Several years ago the superintendent established the Contract Release Program (CRP) on a one dollar per year honorarium contract to provide educational opportunities for inmates at the IWR. It is assumed that this was done with the knowledge and cooperation of the DSS.

CA/O Prison Ombudsman and Legal Analyst interviewed the superintendent and took sworn testimony from inmates assigned to the ICCC program.

Testimony indicated that inmates had used alcohol and drugs while on campus and that on one occasion two inmates purchased a gram of cocaine from persons they identified as local drug dealers. Further testimony revealed a relationship between an inmate and a Veterans Administration (VA) representative on the ICCC campus.

This testimony indicated that he had sexual intercourse with this inmate on several occasions and that he had allegedly provided her with alcoholic beverages and marijuana. He also give her approximately \$410 in cash and items of clothing. Of this amount, \$200 was given to her on one occasion supposedly to obtain an abortion. Later the inmate admitted that she was not pregnant. A portion of this money was used to purchase the cocaine. Testimony revealed that the cocaine, concealed in her vagina, was smuggled into the institution by the inmate.

Further testimony indicated that a number of other inmates were allegedly using alcoholic beverages, specifically beer, while on

the ICCC campus. Inmate students were purchasing beer at a filling station near the campus.

As a result of the testimony taken and discussion with the superintendent, a number of problems with the CRP were uncovered. During the summer of 1977, eight inmates were involved in the CRP. There are no written standards for choosing participants. Five of the inmates involved were serving time for violent offenses. It should be noted that inmates are not supervised while on campus.

Interviews with the superintendent revealed that he was well aware of the possible legal shortcomings of the CRP and the lack of security and supervision.

CA/O took testimony indicating that ICCC staff members took certain inmates off the grounds of the college, supposedly with permission. However, CA/O was unable to determine who had the authority to give such permission. One of these individuals took an inmate off campus in order to have sexual intercourse with her. He also provided her with alcoholic beverages.

CA/O staff took sworn testimony from the VA representative in question. He admitted under oath that he had provided alcohol to the inmate and had taken her off campus for the purpose of sexual intercourse. He denied providing her with drugs. He admitted giving her money and purchasing items of clothing for her. He denied having sexual intercourse with other inmate students.

CONCLUSIONS

1. The superintendent admitted that there was an agreement entered into between himself and the inmate complainant. That agreement was that she would be an informant for him.

CA/O concludes that there is a great deal of risk in the use of informants and they should not be used unless the physical safety of the informant can be assured. CA/O concludes further that this agreement was made under duress and that it was inappropriate for the superintendent to dismiss disciplinary reports in exchange for informant information. Possible loss of contract release and/or parole leads us to conclude that the inmate's participation in this agreement was not voluntary.

2. It is CA/O's conclusion that the CRP was created to serve a worthwhile purpose; to provide educational opportunities for inmates of the IWR. Educational opportunities in the past have not been adequate. However, CA/O can find no legal authority for such a contract. Each time an individual assigned to the program goes to the ICCC, she could be considered to be on escape.
3. The CRP provides a vehicle for contraband smuggling, the scope of which could be more extensive than that which CA/O was able to document.
4. The VA representative did:
 - a. provide an inmate with alcoholic beverages,
 - b. provide her with money, some of which was used to purchase drugs,
 - c. take her out of place of assignment which could constitute aiding and abetting an escape, and
 - d. have sexual intercourse with an inmate which is implicitly prohibited, although Iowa law does not specifically address the issue.

RECOMMENDATIONS

1. That the superintendent of the IWR avoid the use of informants if at all possible. If informants are used, they should be used only when arrangements have been made to guarantee the physical safety and anonymity of the informant.
2. That the CRP between the IWR and ICCC be reviewed and examined relative to its legality by the Division of Corrections, DSS, and that their findings be submitted for review to the Attorney General's Office.
3. That if the program is to be continued, written criteria and rules be promulgated and, since it involves a non-correctional agency, these rules be reviewed and approved by the Rules Review Committee and become a part of the Iowa Administrative Code.
4. In accordance with other sections of the Iowa Code dealing with furlough, work release and parole, that the CRP should have rules dealing with the qualifications for participants in the program to be certain that Section 217.14 and Chapters 247 and 247A of the Code are not being subverted.
5. That only those persons who have demonstrated that they are not a threat to the community be allowed to participate in the program.
6. That routine and random checks be made of classroom attendance and that an acceptable level of supervision be provided. This supervision to be the responsibility of the IWR.
7. That routine searches of all inmates be made each time they return from the ICCC campus (including vaginal and rectal

examinations when indicated). All carried items should also be examined.

8. That if the program is found to be illegal and is eliminated steps be taken to establish another program to provide equivalent educational opportunities.
9. That the DSS, Division of Corrections, review the superintendent's actions in this situation.
10. That the president of the ICCC and the appropriate authority in the VA be apprised of the VA representative's involvement in this matter, in order that they might take whatever disciplinary action is appropriate.

SUMMARY OF DSS RESPONSE

The DSS, Division of Corrections, response indicated that avoiding the use of informants whenever possible was reasonable. They stated that as a common practice such information is not solicited or encouraged and that in all instances informant information is utilized in a manner as to secure anonymity and physical well being of the informant.

The department indicated that further planning would be necessary in contemplating continuing the CRP under Chapter 247A (Work Release). The attorney for the department expressed his opinion that the present CRP is legal under Section 217.14(3) of the Iowa Code but that the administration of the program under Chapter 247A may be more desirable as a matter of policy. (sub-section (3) of Section 217.14 - additional powers and duties of the director of the Division of Corrections, reads as follows: "Establishment and maintenance of acceptable standards of treatment, training, education and rehabilitation in the various state and corrective institutions.")

The DSS response stated that they felt that correctional institutions were excluded from the Administrative Code. The department indicated that the CRP was not intended to subvert parole, work release or other furlough programs, but was developed to provide educational opportunities.

The department indicated that the recommendation with reference to providing improved supervision for persons attending ICCC is appropriate and recommendations that routine searches of all inmates be made each time they return from the campus is certainly germane but would appear to be excessive. The department indicated, however, that routine and random searches had been increased since the problem was brought to the attention of the department.

The DSS reported that the actions on the part of the superintendent have been reviewed and there is evidence to conclude that upon being contacted by the clients involved, the superintendent indicated that providing information on this occasion would not excuse any Code or rule violations.

CA/O was informed by the president of ICCC that the VA representative in question has been relieved of his responsibilities on the ICCC campus.

ALLEGATIONS OF HOMOSEXUAL ACTIVITY

An anonymous¹ letter was directed to a central Iowa news broadcaster, signed by "two very concerned parents in southwest Iowa"², copies of which were sent to numerous legislators. The CA/O was asked to investigate these allegations by several of these legislators. Further, the Legislative Council at its December 20, 1977 meeting passed a resolution encouraging this investigation.

The letter in question alleged that:

1. The superintendent at the IWR allowed and promoted homosexual activity among the staff and clients.
2. Clients at the IWR realized the administrative staff feared exposure of their homosexual activities. Therefore, clients threatened exposure unless certain demands were met.
3. Homosexual staff are allowed to accompany homosexual clients on a one-to-one basis on off-campus trips.
4. Homosexual staff are allowed to conduct strip searches on individual clients.

The CA/O interviewed sixty-five inmates, twenty-two of whom were placed under oath and required to give sworn testimony. Forty-three staff members were also placed under oath and sworn testimony was taken. Staff interviews included administrators, correctional officers, medical staff, cooks, security guards, maintenance workers, clerical workers, part-time staff and contractual personnel.

There was no testimony to substantiate the allegation that the superintendent at the IWR allowed and promoted homosexual activity between staff and inmates.

Certain allegations were made concerning a relationship alleged to have existed some years ago between a staff member and a former inmate whose present whereabouts is unknown. These allegations were not substantiated. CA/O's investigation revealed no evidence of wrongdoing in this matter.

Those staff members who had served on disciplinary committees were asked if they had ever been approached by any inmate who threatened to expose anything in their private life in return for favorable treatment. Inmates who had appeared before a disciplinary committee were questioned as to whether they had ever contacted a staff member in this regard, or if they had any knowledge of any situation like this. Neither staff nor inmate testimony provided any basis to believe that coercion exists.

CA/O questioned staff and inmates relative to whether they had been involved in off-campus trips on a one-to-one basis. CA/O questioned those who indicated that they had as to whether there was any improper situation involved. Neither staff nor inmate indicated that this was so.

The allegation that homosexual staff are allowed to conduct strip searches on individual inmates was addressed. CA/O learned that intrusive searches are done by medical staff only. A strip search is defined as being a search in which the inmate is asked to remove all clothing. The body is observed, but not touched. All items of clothing are searched. This type of strip search is conducted by staff members other than medical staff. There were no allegations of wrongdoing against either medical or other staff in this regard.

Testimony revealed that many inmates and staff members had heard rumors of a sexual relationship between two female staff members. The two staff members were consistently identified. However, no one testified that they had ever observed any sexual acts between these two staff members. Testimony indicated that both were professional in their relationship with inmates, staff and each other while on the grounds of the institution.

The two staff members in question, under oath, admitted the existence of their sexual relationship. They denied that this relationship affected their job performance in any way.

Some staff members indicated in their testimony that knowledge of this relationship between the two staff members does not affect their working relationship with these individuals. However, others indicated that it does affect their working relationship.

Some inmates indicated that, in their opinion, these staff members might give preferential treatment to inmates with like sexual preference. On the other hand, inmates with an admitted homosexual preference indicated that they resent the existence of a sexual relationship between these staff members since they, as inmates, are denied sexual contact with other females. Inmates detected in a homosexual act would be disciplined by the institution.

Staff members who reside in the Rockwell City area indicated that this relationship was "known" in the community and that it is a source of concern to the residents in the Rockwell City area.

The superintendent denied, under oath, any knowledge of a sexual relationship between two female staff members. He admitted hearing rumors of this relationship but stated that he had not made inquiry into those rumors.

CONCLUSIONS

The specific allegations under investigation have not been found to be accurate.

A homosexual relationship does exist between two female staff members at the IWR. The relationship is "common knowledge" among inmates and staff and is known in the Rockwell City area.

The staff members involved in this relationship appear to be competent employees and appear to have conducted themselves in a professional manner.

The potential for future difficulties at the IWR exists because knowledge of this relationship could affect the professional credibility of these individuals. It could also subject them, and their co-workers, to abuse and possible attempts at coercion by inmates.

The question as to whether homosexuals should be employed in correctional institutions is a moral and professional judgment. Moral judgments are not within the purview of the CA/O. The professional judgment and the resolution in this case are clearly within the responsibility and prerogatives of the employer.

We do not consider this report a "critical report", as provided in 601G.15 and 601G.17, Code 1977, since we are not criticizing an agency or its employees. We are not publishing an opinion adverse to an administrative policy nor are we making recommendations.

¹The question was raised by the superintendent as to the appropriateness of conducting an investigation based on allegations contained in an anonymous letter. It should be noted that in the correctional arena persons frequently fear repercussions as a result of complaining. Some of these fears in the past have been found to be well grounded. We, therefore, find this objection to be irrelevant. The CA/O holds an open door to citizen complaint.

²Although it is our opinion that the source of the letter is irrelevant to the investigation, it is our conclusion that the letter was probably not written by "two concerned parents in southwest Iowa". Analysis of the contents of the letter indicates that it was probably written by a recently paroled inmate. This conclusion is based on the following:

1. The letter was sent to a news broadcaster whose broadcast is not normally received in southwest Iowa.
2. The letter was mailed from Fort Dodge, not from southwest Iowa. Because of the location of the institution, it would not be likely that persons traveling between Rockwell City and southwestern Iowa would have occasion to go to Fort Dodge to mail a letter.
3. Reference was made to Representative Garrison's investigation, although it received very little attention in the press. This would indicate that the person had some first-hand knowledge of his investigation.
4. The degree of specificity, the form and the structure of the letter were closely identified with the style of a former inmate, known to this agency.
5. The use of internal nomenclature such as incarceration, rehabilitation, client, off-campus, strip search, productive member of society, etc. was prevalent in the letter.

6. The letter did not go specifically to southwestern Iowa legislators but was sent to most, if not all, legislators, at their home or business addresses. Most parents of inmates would not normally have access to this information.

7. Most importantly, there was no request for relief for the "daughter" involved. In our experience with letters from parents this is very, very unusual. Letters of this type ordinarily contain requests like "please do whatever you can to help my daughter", or words to that effect. This letter contained no hint of such emotion or concern.

NOTE: In reference to phase two of the investigation at IWR, CA/O notified the appropriate law enforcement agencies of the allegation of illegality.

NOTE: Unedited responses by DSS to the above investigations are contained in the appendix to this report.

IOWA WOMEN'S REFORMATORY
ROCKWELL CITY



SPECIAL UNEMPLOYMENT ASSISTANCE

CA/O received a number of complaints from non-academic school employees relative to Job Service's handling of their claims for Special Unemployment Assistance (SUA) benefits for the summer of 1976.

SUA benefits are funded by the federal government and administered through the state Job Service office. Many employees had been told that the federal funds were available for payment in their situation. They, therefore, made application in June of 1976. Some were paid benefits, some were not.

The Job Service rule at the time was that if the employee had signed a contract he was not considered to be unemployed and, therefore, would not be paid benefits. A cook in a small-town school cafeteria contacted CA/O explaining that on the basis of this information she refused to sign the contract. As a result, she lost her job and was then denied benefits for refusing employment. It is possible that there were many others in the same situation. Many simply did not apply for benefits because they had been informed of that rule, either by an employee of the local Job Service office or a fellow employee.

Later, the federal government insisted that benefits be paid to those non-academic school employees who were unemployed during the summer of 1976. Job Service made this fact known by way of the news media. As a result, many non-academic school employees contacted their local Job Service office and asked that their claims be backdated to June of 1976.

Job Service then developed an eligibility criteria for those who requested a backdating of their claims. Job Service took

the position that those employees who stated that they had not applied previously because of misinformation provided to them by Job Service were considered eligible; those who stated that they did not apply earlier because of misinformation gained by any other means were not eligible.

CA/O was informed that in one situation a supervisor called the local Job Service office to make inquiry on behalf of several employees at the school. The supervisor then told the other employees that she had been informed that they were not eligible. They, therefore, did not apply. Under the Job Service criteria for eligibility, it is assumed that the employee who made the telephone call would qualify and those to whom she related the information would not.

There was no means by which to verify an applicant's statement as to the source of misinformation which influenced the employee not to apply. Those who may have had several sources of misinformation who stated a source other than Job Service on their application were denied.

CA/O was also concerned because there were some recipients who, someplace along the line, had been paid and later they were told that they should not have been paid. They were then asked to repay benefits, in some cases in excess of \$900.

CA/O wrote the director of Job Service explaining the confusion that had resulted and the volume of complaints received by CA/O. It was CA/O's opinion that it seemed logical that all applicants who requested the backdating of their claim were in a like situation. That is, that they learned through other employees or the news media that they could collect benefits. Regardless of the exact words used when application was made, the fact is that all misinformation came from Job Service, whether directly or indirectly.

CA/O asked that Job Service give consideration to the theory that all workers who requested a backdating of their claims for the purpose of receiving benefits were doing so on the basis of information gained after the fact and that they were eligible for benefits in accordance with the federal government mandate.

CA/O explained that the haphazard fashion by which eligibility was being determined caused a great deal of misunderstanding, frustration and anger among those employees.

CA/O received a response from the chairman of the Job Service Appeal Board assuring CA/O that determinations made by Job Service were consistent with the provisions of the Emergency Unemployment Compensation Act of 1974 and its amendments and the Iowa law for claims filed for the summer of 1976. The U.S. Department of Labor required that the Iowa Department of Job Service review each SUA claim and that if Job Service advised the claimants in some way not to file, they would be required to take the claim and consider it on its merits. If the claimant had not been advised by Job Service not to file a claim, then benefits would be denied.

CA/O could not formally criticize Job Service because they apparently met federal government requirements in this matter. However, CA/O feels it should be noted that the various rule changes and the volume of conflicting information and misinformation made available to these employees generated many complaints and discontentment. It created an atmosphere of hostility, in many cases, between co-workers and either seriously damaged or greatly diminished governmental credibility.

THE PRISON OMBUDSMAN

During 1977 the function of the Prison Ombudsman continued to demand a significant portion of the resources of the CA/O and all its staff. The Budget Subcommittee of the legislature granted the Acting CA/O's request for funding of an additional position to deal with the problem of expanded correctional casework. However, the Service Committee of the Legislative Council has denied the Acting CA/O the opportunity of requesting authorization for this additional position. Hopefully, when the Legislative Council appoints a permanent CA/O the position will be approved.

The year saw a continuation of many of the on-going inquiries made by CA/O. The Penitentiary was frequently the focus of major investigations, such as the inquiry into the physical conditions in the isolation unit which culminated in the closing and relocation of that unit.

CA/O also responded to complaints about the conditions in the prison kitchen and dining room. This resulted in the requested resignation of the food supervisor, the hiring of a new supervisor and a greater emphasis on economy, safety and less waste.

The other institutions also received considerable attention from CA/O. The staff at the Women's Reformatory, Men's Reformatory and the Penitentiary all had occasion to request the assistance of CA/O in various matters.

In July, the director of the Iowa Division of Corrections requested the aid of CA/O in monitoring a lock-down and resultant search at the Penitentiary. This situation grew out of the discovery of some handguns, narcotics and other items of contraband in the institution.

The CA/O also received requests from Iowa's Board of Parole to conduct a number of investigations. This resulted in paroles for several individuals who had been inappropriately denied. Also, CA/O provided the Board of Parole with information leading to the dismissal of a board employee for unprofessional conduct.

The Prison Ombudsman was present at a number of conferences during the year, including the annual conference of the VIP section of the National Council on Crime and Delinquency, an organization on which the Prison Ombudsman serves as a member of the national directorate.

Other conferences included the annual meetings of the Iowa Corrections Association, the American Corrections Association, the West Central Wardens Association, and the National Council of State Legislators Conference on Determinate Sentencing. Attended, at personal expense, were the LEAA seminars on Prisoner Grievance Mechanisms and the University of Chicago Conference on the Art of Negotiation.

During the 1977 session of the General Assembly, CA/O recommended the passage of corrective legislation in order to protect the records of the Iowa Board of Parole from unwarranted scrutiny. This legislation was passed.

During the fall of 1977, two other major events occurred which are addressed elsewhere in this report, i.e., the IWR cases and the successful resistance to federal subpoena.

In the five years since its inception, the prison function of CA/O has continually increased in scope and successful resolution of correctional problems.

CA/O SUCCESSFULLY RESISTS FEDERAL SUBPOENA

The Prison Ombudsman, Ray Cornell, was subpoenaed to testify in federal court in the matter of Remmers, et al v. Brewer. This subpoena was issued by the Attorney General. Both CA/O and the plaintiff/prisoners objected. CA/O's objection was based upon Iowa Code 601G.8 and 601G.20.

The litigation was to determine the status of a prison religion (The Church of the New Song). The state sought to prove no religion existed. Cornell's testimony was to provide such proof through information gathered in the course of his duties. Such communications and information are clearly confidential as perceived by 601G.8.

The reason CA/O continued to resist subpoena was to protect the confidentiality, credibility and physical safety of Cornell and other CA/O staff while in the prisons.

The Magistrate's ruling on November 29, 1977 granting CA/O's Motion to Quash recognized that no "serious federal interest" overrode CA/O's statutory immunity from subpoena. The court also noted that the state's interest in protecting the confidentiality of the CA/O outweighed the defendant's need for Cornell's testimony. The state applied for a reconsideration by the district judge of the Magistrate's ruling.

On January 4, 1978 the District judge denied the state's Motion for Reconsideration saying in part:

"The state interest in the efficient operation of its administrative agencies and embodied in the Citizens' Aide concept would clearly be adversely affected by compelling Cornell to testify."

This was a clear recognition by the federal court of the strong statutory confidentiality and immunity granted to the Citizens' Aide/Ombudsman.

Note: Copies of the pleadings in this matter may be available upon request.

DEPUTY FOR INDIAN AFFAIRS

One highlight of the past year for the CA/O's Deputy for Indian Affairs was being selected by Governor Ray as his personal representative to the Governor's Interstate Indian Council's annual meeting in Detroit last September, 1977. The National Governors Conference was also in Detroit and the simultaneous meetings gave the Indian representatives from the council an opportunity to address their concerns to the Governors.

The council's meetings allowed each representative to relate how Indians in their state government assessed Indian needs; how resources for legislation were provided; what legislation was passed as a result of their efforts; and, what each state's problems were in regard to their Indian populations.

Among the chief concerns of the council was the desire of some tribes to be restored to their status of federal government bodies rather than that of terminated tribes with no ties or expectations of federal government obligations to them. Another important concern was that because of recent court decisions favoring Indians, an increase of federal programs for some Indians, and with favorable coverage given by the news media, there has been a backlash from private citizens. The council stated that backlash was an important problem. The members vowed to do their utmost to promote an understanding of issues without causing further hostility.

The deputy also attended the National Urban Indian Council (NUIC) annual meeting in Syracuse, New York. The purpose of the conference was to unite urban Indians who feel that the federal government develops programs mainly for reservation Indians and lands, and has grossly neglected the urban Indian. When an Indian leaves the reservation for employment, he is no longer eligible for

some services, including federally funded medical care, because the federal government claims the medical care provided by treaty is deliverable only to reservation Indians.

NUIC has become a lobby group to assure Indians that they should no longer fear that their treaty, legal, and moral rights would be terminated if they leave their reservations.

Locally, several persons called the deputy and reported that the Fort Dodge Chamber of Commerce was staging a mock attack on the city's historic fort during its annual Old Frontier Days celebration. The complaints alleged that Indians were stereotyped as cruel and bloodthirsty. Because of the damage caused by such portrayals, the deputy persuaded the Chamber of Commerce to forego portraying Indians and asked an Indian group from Iowa to present their own cultural program. The deputy recruited Indian singers and dancers and narrated the program for a large audience. The deputy was successful in mediating this dispute and the Chamber of Commerce expressed its pleasure with the resulting positive program.

The deputy was asked to share his expertise in cultural interpretation in a lecture to a meeting of Iowa Department of Transportation administrators. The purpose of the meeting was to emphasize the department's affirmative action plan and to allow minority representatives to discuss their various expectations and differences. The deputy pointed out that Indians place a heavy emphasis upon their religious obligations and social responsibilities within their communities. He further explained that prospective employers must understand that these priorities may force an Indian employee to miss work from one to four days at a time depending upon his obligations to the Indian community. Upon requests from schools, churches, and universities, the deputy also gave numerous presentations about American Indians.

The deputy continued to advise the State Indian Education Advisory Committee and attended Iowa Department of Public Instruction conferences. One such conference focused on prospective bilingual/bicultural education for minorities. Another presented the procedures that financial aids advisors must know when helping Indian students prepare forms for financial assistance from the Bureau of Indian Affairs.

The deputy assisted in acquiring several Comprehensive Employment & Training Act (CETA) positions through the Central Iowa Regional Association of Local Governments (CIRALG) for minorities in the Des Moines area. The process included submitting a proposal for funding and meeting on numerous occasions to make decisions on funding, training, and oversight. As a result, several hard-core unemployed Indians obtained jobs.

The Native American Project on Alcoholism (recipients of the CETA grants) became a center of controversy when CIRALG and the Iowa Division on Alcoholism noted administrative deficiencies and suspended funding. The deputy put together a revitalized board of directors who were able to obtain continued funding. The Polk County Legal Aid Society assisted in this effort. This was the most challenging activity of the closing of the year. Because of the outcome, it was considered to be the most successful effort of the deputy for the year.

The deputy participated in the agency's outreach efforts to alert Indians and other citizens of the CA/O's function.

Because the CA/O has been short a staff person for the entire year of 1977, the Deputy for Indian Affairs has had an increase of general casework, thereby limiting his opportunity to concentrate exclusively on the problems facing Indians in Iowa.

LEGISLATIVE PROPOSALS

1. CA/O recommends the following amendments to Chapter 601G, the Citizens' Aide/Ombudsman Act:

- a. 601G.9(3), by striking the words "not specifically confidential by law" and inserting the words used by the Legislature in dealing with the matter of confidentiality for the proposed Performance Auditor, "if the document is by law required to be kept confidential, the citizens' aide shall have access to the document, but shall be subject to the same policies and penalties regarding the confidentiality of the document."

The real strength of an ombudsman lies in the ability to obtain information quickly and accurately and use that information to resolve legitimate problems expeditiously. Many agencies have confidentiality sections in their statute and they tend to use these restrictions to refuse to give CA/O information. We believe the proposed wordage deals with this issue in an efficient, reasonable manner and that it provides the needed safeguards to protect confidential information.

- b. 601G.13, by striking the words "within sixty days" in lines two and five and by striking the words "in writing" in lines three and six.

The CA/O receives approximately 1,500 telephone and personal contacts per year which are non-jurisdictional. A strict interpretation of 601G.13 would require that CA/O actually correspond with these some 1,500 people after they have already been informed that the matter about which they have complained is not within the scope of the CA/O office and have been given whatever information or assistance that we might be able to provide. Such correspondence would be burdensome and would serve no purpose.

- c. 601G.18, by striking the words "February 15" in lines three and four and inserting the words "April 1".

This section deals with the date upon which the annual report is due. Since the annual report covers activities for the calendar year, we cannot finalize case work or calculate statistics until the end of the year. Printing of the

report takes from three to four weeks. This February 15 statutory requirement necessitates xeroxing copies in order to meet the deadline. This practice is time consuming and costly. We believe April 1 is a more realistic date for submitting the annual report.

2. CA/O recommends that Section 91.5(1) (Bureau of Labor) be amended by adding after the word "concerns", in line five, the words "including work areas at the state institutions,".

A prisoner at the Iowa State Penitentiary recently lost parts of two fingers while operating a meat saw which was not equipped with the proper safety device. A three thousand one hundred and eighty-seven (3,187) pound fork-lift stored on the fourth floor of the prison industry building at ISP actually fell through the ceiling on five occasions. When CA/O asked the Bureau of Labor to inspect the situation, the bureau resisted until the Governor's office requested that they do so. There are also work areas at the mental health institutions and juvenile institutions which would be covered under this proposal.

3. CA/O recommends that Section 247A.5 (Work Release) be amended by adding after the word "period", in line eighteen, the words "except with the unanimous approval of the state work release committee as defined in section 247A.3.".

Presently an inmate must either be paroled or returned to the institution at the end of the six month period. In certain cases more time is required to stabilize an inmate's behavior on work release.

4. CA/O recommends that Section 356.14 (Refractory prisoners) be amended by striking the words "chain or", in line four, and further amend by striking the words "with bread and water only," in line eight and inserting the words "minimum diet requirements as provided by the department of social services".

We are proposing to strike the words "chain or", so that the statute will not suggest the use of chains, although it does not prohibit their use. We are also striking the words "with bread and water only,". This provision is out-dated (1851), unjustly punitive and could be dangerous.

5. Many housing developments started in unincorporated areas are not subject to zoning regulations. 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.

Particular problems have occurred regarding lake developments. Two lake developments in the central Iowa area have 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.

6. CA/O recommends the Legislature consider corrective legislation to clarify access to medical records of patients and former patients of physicians, hospitals 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. 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. 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.

CA/O suggests the General Assembly amend Chapters 400 and 341A to provide for the transfer of benefits for persons transferring from one jurisdiction to another. CA/O further suggests the General Assembly amend the above mentioned

CASE SUMMARIES

72-290 City allowed truck drivers to park their vehicles leaving the motors running, in a city parking lot, adjacent to complainant's home. The city agreed on several occasions to install electric outlets to eliminate the noise nuisance. During 1977, the complainant again contacted CA/O. An AG's Opinion was requested and received by CA/O which indicated that Section 321.362 (which prohibits leaving a vehicle unattended without first stopping the engine) applies to city parking lots. The city discontinued the practice.

75-827 Citizen owned property in a small town on the Sioux River. She wanted to sell the property but was unable to do so because the property was located in a part of town that did not have a sewer system. She stated that refuse was being discharged into the Sioux River from that area of the town. CA/O contacted the Health Engineering Office in that area. They made an inspection and verified the health problem. At the insistence of the Health Department and CA/O, the city took action to install a sewer system. During the many months that it took to apply for and receive a federal grant to assist with the cost of the project, CA/O monitored the city's efforts and kept the citizen informed. Bids for construction were let in June of 1977.

76-389 A farm couple obtained group health insurance coverage through a farm organization. The organization changed companies and there was confusion as to whether the insurance company was obligated to honor the clause which provided that a disabled policy holder would be covered for one full year without premium because there was a no-loss, no-gain provision in the special admission letter by which this couple were accepted in the group coverage. The citizen had incurred over \$4,000 medical expenses during that one year. She had contacted the Insurance Department but felt that nothing was happening. CA/O met with representatives of the insurance company and the Insurance Department and benefits were eventually paid in full.

76-855 Farmer signed a right-of-way contract with DOT for highway construction. The Highway Division changed their construction plans and, therefore, did not feel obligated to fulfill the actual terms of the contract. The farmer had written several DOT officials and was most unhappy with the response received. CA/O visited the farm and agreed that the Highway Division had not made an effort to satisfy the terms of the contract. CA/O met with the DOT district engineer at the farm and negotiated a reasonable resolution.

76-953 A city police department sent a SWAT team to apprehend a person who was reportedly armed and hiding in a home. When the policemen shot tear gas into the home, the suspect came rushing out and was shot by a police officer who reacted when he saw what he believed to be a pistol in the suspect's hand. The question was whether the police department was justified in utilizing a SWAT team to capture a reportedly armed person. CA/O issued an affirmative opinion that the policeman involved justifiably reacted when he saw the pistol (which turned out to be a toy) and believed his life and others were in danger. The police department, acting on CA/O's recommendation, later issued a plan indicating which future circumstances would necessitate the use of a SWAT team. CA/O urged the city's acceptance of the plan.

76-1100 Citizen purchased a junked motorcycle in Florida and wanted to obtain the Iowa title to the vehicle. DOT wanted him to obtain a bond for the motorcycle licensing and registration. The citizen did not want to do this; he stood upon his rights as he had adequate information from Florida to prove he did own the motorcycle. CA/O did extensive research into the Code and other requirements and DOT finally agreed that if citizen could provide certain information the vehicle could be registered without the bond requirement.

76-1148 An irate mother contacted CA/O because her teenaged son had obtained his driver's license when he dropped out of school and when he re-entered he was forced to surrender the license until such time as he had completed a driver's education course. CA/O corresponded extensively with this citizen explaining that DOT had acted in accordance with the law in this situation (321.178(2)). She felt that this law encouraged teenagers to drop out of school. In February, 1977, CA/O sent citizen a copy of HF 125 which provides for the removal of the exemption from the driver's education for persons under eighteen years of age who have dropped out of school. HF 125 passed the House and is presently pending in the Senate.

76-1358 Upon her way to work from a lunch break, citizen was stopped on the freeway by two men in an unmarked vehicle. After what citizen described as harassment, the men eventually showed their badges with DPS insignia and told her that she had been speeding. Her keys, registration and driver's license were taken. CA/O's inquiry revealed that the two officers had just received a report of a robbery and they stopped the citizen when they noticed her vehicle was speeding. The officers did not immediately identify themselves to the citizen. A traffic citation was issued to the citizen and DPS issued her a letter of apology for the actions of the officers.

76-1415 A mother contacted CA/O stating that her son and another boy had been arrested and found guilty of the same traffic violation (traveling 25 mph over the speed limit). Her son was fined more than the other boy and DOT had suspended her son's license and not the other boy's. Investigation revealed that both boys had hearings before DOT officers. One recommended suspension and the other did not. Her son was charged with driving 25 mph over the speed limit in a 45 mph zone, the other boy was driving 25 mph over the speed limit in a 55 mph zone. A 55 mph zone is considered open highway and, therefore, not as dangerous as speeding in an area where there are residences and businesses. The judge also apparently felt that her son's violation was more serious than the other boy's since he fined him more. CA/O explained that it was our conclusion that DOT had exercised discretion as provided by the department's administrative rules.

76-1416 Citizens complained about the actions of the county sheriff who was physically mistreating prisoners entrusted to his care. Detailed information was given CA/O which caused CA/O to begin an investigation of the conduct of the sheriff. CA/O subpoenaed and took sworn testimony from a local chief of police who testified about the sheriff's activities. Other testimony corroborated this information. As a result of CA/O's investigation, action was taken which eventually led to the removal of the sheriff.

76-1429 CA/O's Deputy for Indian Affairs received a call from the director of the Sioux City American Indian Center who stated an Indian woman could not obtain information about her son who was transferred to an unknown county jail in Wisconsin and reportedly injured in an attack in a previous jail. CA/O asked the Iowa Governor's Office to contact the Wisconsin Governor's Office for information. The Wisconsin Governor's Office located the jail and learned that the son had not been beaten and was just released on bond. CA/O so informed the man's mother.

77-25 The county placed a \$5,897.12 lien against citizen's property for their daughter's care in an MHI. Section 232.51 stipulates that when a delinquent minor is placed for treatment under court order, the cost shall be charged to the county. The judge may order the parents to pay the cost of treatment. The judge did not do so in this case since it was not his intention that they pay. CA/O cited pertinent Code sections to the county and documented the judge's position in the matter. The county released the lien.

77-32 CA/O was contacted by an Iowa Congressman and the warden at ISP in reference to a seventy year old man imprisoned on a first offense check charge who was terminally ill and could not be properly cared for at ISP. CA/O referred this matter with appropriate medical documents to the Board of Parole and the inmate was paroled.

77-115 An inmate complained that he had been inappropriately denied a continuation of his vocation at ISP, due to the fact that the program had been moved to a minimum security setting. CA/O reviewed this individual's records and referred it back to the warden at ISP with a request that this individual's security classification be reviewed. It was and he was re-placed in the program.

77-141 A local insurance carrier had refused to pay for services other than obstetrical services for a citizen. CA/O requested that the Insurance Department make investigation on this matter and report back to CA/O. After CA/O's intervention, payment was made to the citizen in the amount of \$2,481.30.

77-158 An inmate at IMR complained that he was having a great deal of difficulty serving time in the Iowa prison system due to the fact that he had testified against another inmate on a murder charge. CA/O referred this matter to the Division of Corrections with a recommendation that he be reviewed for transfer to another state system. This inmate was transferred to the federal penitentiary at Leavenworth, Kansas.

77-173 Citizen asked how he could find out which residential zone he lived in and how he could protest city plans to rezone his neighborhood into a multiple housing area. CA/O replied that citizens can obtain copies of zoned areas and ordinances from city offices and that Iowa Code 414 directs citizens who wish to appeal proposed zoning changes. Later, CA/O called the citizen and learned his attorney and neighbors successfully changed city plans to rezone their neighborhood.

77-176 In February, an elderly widow contacted CA/O asking for some direction for assistance to meet her extremely high utility bills. County GR was unwilling to assist with the utilities but indicated that they would pay for medicine and that she would qualify for food stamps. This savings did free up some funds each month for utility costs. CA/O also advised citizen to arrange with the utility company for a monthly budget plan, once her bills were paid to date. In July when the Special Crisis Intervention Program was established to help qualified households with utility bills, CA/O contacted citizen suggesting that she apply for this assistance.

77-187 Citizen complained that the Iowa Commission for the Blind was discriminating in the use of dog guides by those people who are not sighted. CA/O's investigation revealed that no state law was being violated as the commission did have the authority to determine the mode of travel for persons using their center on a full time residential basis. Dog guides can be used by people at the center if they were only using the center on a temporary basis.

77-190 Citizen complained to CA/O that an odorless gas was escaping in his home and that both he and his wife were suffering irritated air passages. He said that he had made every possible contact regarding the situation but that no equipment was sensitive enough to detect the problem, although it had become increasingly severe. Both he and his wife were ill and she was having a great deal of trouble with her eyes. After making many contacts CA/O visited with the State Hygienic Lab. They took air samples and discovered methane gas. A 1918 septic tank on the property was discovered as the source. The tank was removed.

77-211 Elderly citizen was unable to start her car after visiting a friend in a nearby city. It was 15 degrees below zero. She was forced to stay overnight. During the night the police towed her car away. She had to walk several blocks in subzero cold to recover her car. CA/O checked and learned that she was in violation of a city ordinance. CA/O wrote citizen explaining that she was in violation and that fact made her responsible, even though the circumstances were not of her making.

77-242 CA/O was contacted by an employee at IWR concerning an inmate on furlough who had been beaten up and later arrested for intoxication. She pled guilty but later indicated that she had been told that she should enter some sort of a plea in order to avoid being held indefinitely at the county jail. CA/O reviewed this matter and discussed it with the county attorney who later indicated that the matter would be re-tried, and it was and at that time resolved.

77-247 Unemployment benefits were delayed because the wages in question had been reported under an incorrect SS number. CA/O contacted JS and the necessary corrections were made and benefits were paid.

77-251 Citizens wanted to build a new home on their property but complained that the gas company machinery located across the road was too noisy. CA/O contacted the gas company through the Utilities Division-ICC and improvements were made to reduce the sound level at the gas company installation.

77-256 The warden at ISP contacted CA/O concerning the medical care of an inmate who had burned himself severely in a suicide attempt and had been transferred back from the U of I Hospitals facility to ISP. The warden did not feel that ISP was capable of dealing with him in the therapeutic context. CA/O recommended that this inmate be transferred to ISMF for continued treatment and access to U of I Hospitals. This was done.

77-261 Citizen's daughter had been injured in an automobile accident resulting in paralysis. DSS withheld payment on claims until the citizen provided further information and the release of monies was received. CA/O's research found that DSS had sound legal position and recommended that the citizen continue to work with her attorney. The money in question was forwarded to DSS with the remainder kept for the use of the daughter. CA/O corrected a department mistake for refusing to pay for medical expenses. After CA/O's intervention the department paid these medical expenses.

77-279 CA/O was contacted by the Board of Parole in reference to their concerns about a district court decision which opened all of their procedures to the Administrative Procedures Act. CA/O reviewed this matter with the Board of Parole staff and later recommended corrective legislation in the forms of HF 331 and SF 260. CA/O met with the Joint House-Senate Judiciary Committee and presented the matter to them at that time. Legislation was passed.

77-300 Citizen received past due notice of tax liability due over ten years ago. The original amount owed was \$15 and the penalty and interest was now more than that amount. Taxes owed were discovered by a more efficient computer operation. The citizen proved that she had no knowledge of the tax liability, although a lien had been filed against her. The DOR did not make stringent attempts to locate her. Through CA/O's intervention the director exercised his authority to abate a portion of the interest on the tax liability. CA/O had advised the citizen to pay the liability and now she was eligible for a refund on the abated portion, which she received. CA/O notes that other citizens were also in this same situation. DOR could not prove that some citizens had received notice, although for others there was ample evidence that they had received notice and had ignored it. In the latter cases, they were required to pay the tax liability, including the penalty.

77-305 Citizen asked the Deputy for Indian Affairs to neutrally participate in a complaint from several racial minority city organizations that felt there was an inadequate participation of minority persons when CIRALG funded organizations and positions from a federal grant. There was a consensus among CIRALG staff and complainants that the excluded organizations were not adequately considered. Therefore, minority persons were placed in advisory positions which would eliminate the complaint. CIRALG showed good faith by immediately funding some positions that were the subject of the complaint.

77-310 Citizen had received nurses' training in India and felt the Iowa Board of Nursing was harassing her by not allowing her to take an LPN or RN exam because her transcript from India did not show training in weeks as was required by the board. Both the citizen and the board had attempted without success to obtain a corrected transcript from India. CA/O contacted the Indian Embassy in Washington, D.C. several times for assistance and the citizen received the required document. As a result of this case, the board's rules and regulations are being changed to allow a graduate foreign nurse to take exams if her transcript documents theory and clinical experience.

77-320 CA/O was contacted by a resident of the Women's Residential Facility in Des Moines. She complained that she had been doubly sentenced, in that she had been placed on probation and committed to a Halfway House. The maximum benefits clause of the Halfway House rules indicated that she had to go out and obtain employment. She had been unable to do so in the Des Moines area. Her former employment elsewhere was however being held open for her. CA/O brought this matter to the attention of the Halfway House staff who recommended her release on probation. This was done.

77-363 CA/O was contacted by a counselor at IWR concerning an inmate who had been returned for work release revocation. She had in fact not served a work release but had had some behavioral problems while on furlough. After review of this matter, CA/O recommended to the state work release committee that a more appropriate approach would be to suspend the work release rather than to revoke it. The state work release committee followed CA/O's recommendation. They then reviewed her at the end of the disciplinary sanction and she was re-placed on work release.

77-400 Citizen ran a hog operation and was permitted to receive an indemnity for diseased hogs. The packing company was required to pay the indemnity and the citizen said he had not received it. The packing company researched its files and stated that it was unclear as to its liability, but since the amount was reasonably small, the company paid the citizen.

77-411 Citizen had not received his unemployment benefit checks and JS had no reasonable explanation as to why he had not received his checks. For some reason the checks were being held by the computer and CA/O's intervention obtained release for the checks and the citizen was paid.

77-422 Grandmother alleged that her son's ex-wife was abusing her grandchildren and that DSS and a judge were conspiring to keep the children in the abusive home. Investigation revealed that the grandmother had continually harassed the mother of the children to the extent of actually stealing them on two different occasions. No abuse was substantiated. CA/O informed the grandmother of our findings and explained to her that the department was really only guilty of disagreeing with her.

77-430 A city mayor called CA/O and said that the high band radio systems issued to city and county law enforcement agencies were not working properly, not repairable and that the counties should not use their matching funds for this type of equipment. CA/O called the state General Services which then took performance tests on the equipment. The mayor called CA/O shortly thereafter and said the equipment had been repaired and was now working satisfactorily.

77-432 Citizen was making a general complaint about the operation of the Iowa Commission for the Blind and particularly its discrimination against certain persons who are blind. CA/O's investigation did not reveal that there was any discrimination being taken which was illegal by the Commission for the Blind. CA/O attempted to explain these matters to citizen, however, was not entirely successful because the dispute really centered around personality conflicts.

77-440 Citizen had difficulty with a local insurance carrier who was required to pay for a prescribed wheelchair and had not yet done so. CA/O contacted the insurance carrier and found that the computer programming did not permit such a substantial payment for prescriptive items and that the wheelchair had to be paid in installment amounts with each payment being manually entered into the computer. The insurance carrier agreed to correct this procedure and CA/O's follow-up showed the citizen was receiving his payment.

77-444 A mentally retarded citizen was in a group home and under Iowa Code 222 was eligible for his expenses being paid by the county. The county refused to pay his expenses due to the fact that the citizen had received a small inheritance. CA/O attempted to have the county take its responsibilities and the county refused and CA/O wrote to the county attorney advising him of CA/O's opinion concerning the legal issue involved. County attorney advised the supervisors that they must pay the expenses for the citizen. CA/O suggested that the citizen would share in the expenses and that negotiations should open to have such expenses shared. Such action was taken and the matter has been resolved to each person's satisfaction.

77-456 CA/O was contacted by a law clerk for a federal court in Des Moines, indicating they had a complaint about the safety situation involving the gang locks in the cellhouses at ISP, which made it impossible for inmates to be quickly released from their cells in case of fire. CA/O discussed this matter with the warden, who indicated that this was indeed a problem. The warden and CA/O subsequently referred the matter to the State Architect's office for consideration and recommendation.

77-466 CA/O was contacted by an inmate at ISP in reference to an unsafe working condition in the shop at ISP involving a hole in the floor covered by a piece of metal which had been bent up. A fall on this floor had resulted in his being injured and subsequently filing a tort claim. CA/O pointed this area out to the warden and the area of the floor was repaired.

77-493 A child had been bitten by a neighbor's dog which was leashed. The city's Animal Control Agency had refused to impound the dog which the grandparent wanted done for observation. The animal agency refused to pick up the dog because the city attorney advised him that they would need a court order to do so since the city ordinance did not cover such a situation. However, through negotiation, the owner voluntarily placed the animal with a veterinarian and the city promised to change its procedures in the future so that such problems could be avoided.

77-497 CA/O initiated an investigation after becoming concerned about meals apparently being denied inmates in administrative segregation at ISP. A court decision stipulates that in administrative segregation situations, the meals will not be denied to inmates, except in those situations where the misconduct displayed is directly related to his food. CA/O's investigation revealed that there were substantial violations of this decision at ISP. CA/O reviewed the policy with the director of the Division of Corrections and a more specific policy was issued to correct this situation.

77-542 The DSS denied claim for hospitalization of a young Indo-Chinese refugee as the dentist who performed dental surgery indicated hospitalization was necessary because of a language barrier. CA/O advised the sponsors to appeal DSS's denial. The dentist then notified DSS that if the extensive dental surgery had been performed in a dentist's clinic, the patient could have suffered psychological and physical problems. The hearing officer ruled that DSS pay the hospital expense.

77-548 Citizen had not received her test results from a county Civil Service Commission. Citizen is one of a number of people who are never notified of test results. The Commissions do not have rules requiring that they notify citizens of their test results, although after CA/O's intervention, they did notify this particular citizen.

77-561 Citizens were having difficulty in getting a copy of a deed to their property. A judge was alleged to hold a copy of the contract of the deed in his files. CA/O contacted the judge who said that he could not find a copy. He said he would assist the citizens in obtaining another copy. After many letters from CA/O to remind him of his agreement to help the citizens, his assistance was finally obtained.

77-565 Citizen, a billboard advertiser, was concerned about informational signs now being placed along the interstate highway by the DOT. Citizen felt that his business was being ruined by DOT in such action. CA/O researched the Iowa Code on the matter and made inquiry of the director concerning this. The Legislature had given a clear mandate to DOT to place such signs along interstate highways in order to beautify the roadside and the department only had the authority to promulgate rules for such action as it was mandated by law to place such signs there. CA/O then advised the citizen of DOT's responsibilities under the law.

77-568 Citizen had had throat surgery and a city road project in front of his home was causing him a great deal of discomfort. CA/O contacted DEQ and the city. The city applied a dust control agent to alleviate the situation.

77-570 Citizen complained that he had been treated inappropriately in making a bid to DEQ in that DEQ had not followed proper procedures under state and federal law in awarding bids for the work. CA/O did extensive research into DEQ's files and interviewed appropriate personnel at DEQ and found that citizen's complaint had not been substantiated. All procedures of state law had been followed and so far as CA/O could determine federal procedures had been followed as well.

77-573 A citizen complained that the Board of Psychology Examiners was denying him a license without reason. CA/O's investigation revealed that the Psychology Board had invited the citizen to discuss his particular situation because they had received some unfavorable information about him. There was disagreement by the citizen with the allegation that he refused to meet with the board. The citizen then left the state and was taking no action on the case. Upon his return, he raised the issue with his state representative who contacted CA/O. CA/O advised the citizen that this was within the board's discretionary authority and urged the citizen to meet with the board.

77-575 Citizen complained that a state trooper after giving him a traffic citation would not release his vehicle due to a questionable title. CA/O spoke with the sheriff who was holding the vehicle who told CA/O the vehicle was in a dangerously poor condition. When stopped, the citizen had titles to six vehicles in his possession and the questionable nature of his own vehicle was ample reason for detention. However, his vehicle was identified and he was allowed to continue.

77-589 Citizens purchased a business which included a truck. However, when they attempted to register the truck in their name, they found that the seller had obtained a duplicate title to the truck and then transferred the truck from the business to himself. CA/O worked with DOT, Motor Vehicle Registration Division, and determined that the bonding provisions under Section 321 would not apply as there was not enough evidence for the department to go to the bonding provision. The citizens were advised to take private legal action against this person.

77-590 A tribal representative from the Mesquakie Indian Settlement called CA/O and asked if a school tax could be imposed upon an Indian resident's mobile home or whether that taxing was precluded by a recent U.S. Supreme Court decision. That decision stated that state and county governments could not tax Indian persons and property on Indian lands. CA/O researched the matter and reported back to the complainant of DOR's position that the school tax was a use tax, therefore, not subject to the court decision. CA/O contacted a BIA attorney who stated the use tax issue was being litigated in another state. It is assumed, therefore, that the court decision would resolve this question.

77-605 CA/O was contacted by an inmate at IMR in reference to the fact that he had been transferred from ISP to ISMF and subsequently to IMR and that items of his personal property were now in all three of these institutions. CA/O brought this matter to the attention of the warden at IMR and asked that this inmate be given all of his property as a result of a search by the IMR staff. This was done.

77-606 An inmate at ISP contacted CA/O alleging that he had been justified in escaping from RRC as a result of coercion from a correctional officer attempting to sell him narcotics. CA/O investigated and found that this inmate had in fact escaped because he had been detected in drug use himself. CA/O noted that his complaint against the correctional employee was extremely serious. As a result a polygraph test was arranged. The test revealed that this inmate was untruthful and CA/O formally reported to the Board of Parole on the matter.

77-613 CA/O was contacted by a prisoner at a county jail, who alleged that he had been told he would not be able to have counsel for his revocation. CA/O explained to him how to obtain counsel and that in fact it was his prerogative to do so. He also indicated that he had been denied the release money which should have been given to him as a parolee. This money apparently was not given to him because he escaped three days after being signed on contract. CA/O recommended that he receive this money since the Code did not specify any authority for denying it under any circumstances. He was given the \$100.

77-617 Citizen complained that ICC was not requiring a bond from a local water company. The water company had a number of problems and it had drastically increased its rates. The citizen alleged his concern that the company could fold and leave its customers unprotected. CA/O's research revealed that ICC had not violated any administrative discretion or regulation under which it operated. CA/O advised the citizen of our findings and then the citizen attempted to develop other complaints about the company in order to harass the company. CA/O dealt with both of his complaints and found no merit to either.

77-622 Citizen stated she was having difficulty obtaining a copy of her birth certificate from Department of Health. CA/O asked the department to explain why a copy could not be provided. The department explained that citizen's mother did not record her daughter's birth. CA/O explained to the citizen she could establish a late recording by providing information obtained from local BIA office records.

77-628 CA/O assisted citizen in acquiring needed information from SSA relative to obtaining a visitor's visa for her son in the Philippines. SSA records reflected an incorrect SS number for citizen's mother whom she had also sponsored sometime before. In order to verify the fact that the mother had not received any benefits, it was necessary that the records be corrected. CA/O was able to accomplish this with the assistance of the staff of a U.S. Senator's office.

77-634 The mother of a seventeen year old boy contacted CA/O stating that her son had been beaten by local police. Investigation revealed that the boy was roughed up by the citizens who apprehended him during the commission of a crime. They held him until the police arrived. The boy admitted at the time of his arrest that his injuries were not the result of a police beating, but that they were caused by those persons who had apprehended him.

77-642 Citizen wrote several legislators expressing her conviction that the cost of medical care for indigent Iowans at the U of I Hospitals was excessive since that hospital is a tertiary care facility and many indigent patients do not require that level of care. She suggested that the legislature do away with the county quota system. CA/O made inquiry and corresponded with the citizen pointing out the fact that the cost of maintaining a tertiary care facility and a major teaching hospital would not be significantly reduced by treating some indigent patients locally. Although the hospital cost per day may be more than that of a local facility, indigent patients are not charged professional fees at U of I Hospitals. CA/O pointed out that university-owned and affiliated medical centers in many states provide care for the indigent because local hospitals and physicians can not provide services without reimbursement. CA/O explained that the county quota system was developed because there was a need which apparently still exists. CA/O made it clear to the citizen that CA/O was providing this information for her consideration but it was not intended to circumvent dialogue between her and her legislators.

77-647 CA/O was referred a lengthy letter from an inmate at IMR by the Governor's Office. He complained of seeing dead rats in the food. When interviewed, he admitted that he had no personal knowledge of dead rats in the food.

He further indicated that officers at IMR were inappropriately giving inmates lock-ups. CA/O routinely reviews such lock-ups and indicated to him that it was our opinion that lock-ups for rowdiness and horseplay were indeed appropriate.

He further went on to complain that the clothing issued at IMR shrinks too much. CA/O notes that the clothing issued there is perma-press and denim which shrinks very little. CA/O further notes that his present physical condition indicates considerable weight gain.

He also complained about the fact that the cellhouses did not have air conditioning in them. CA/O indicated commiseration with him, however, indicated that it was the responsibility of the Legislature to determine if air conditioning was appropriate.

His final complaint was that he had been receiving inadequate medical care for what he described as false (undescended) testicles. This matter was referred to the warden for resolution and he was provided appropriate medical attention at the U of I Hospitals.

77-679 Wife of an inmate at ISP telephoned CA/O stating that her husband was ill and that he had seen the institution physician but he found nothing. She stated that her husband was not a complainer and if he said he was sick he was. CA/O also knows this to be true of this particular inmate. CA/O contacted ISP and extensive tests were taken that day. It was determined that he had a stomach ulcer.

77-684 Employer complained that he was greatly inconvenienced because he has a guard service and he hires students during the academic year. He stated that the students go home for the summer and file for unemployment. The unemployment is denied and appealed. He then must provide protest information and many times appear at a hearing to protect his unemployment fund. CA/O explained that although it was an inconvenience to him, the employee appeal rights are statutory.

77-697 Citizen granted a temporary easement to the city for the installation of a city sewer line. The contract stated that citizen could expect her property to be restored as nearly as possible to its original condition. The contractor did not complete his job for the city because of his financial difficulties. The citizen then expected the city to restore her property. After CA/O contacted the city on several occasions and personally visited the site in question, the city agreed to restore the citizen's property to its original condition.

77-705 Citizen was under tax liability for the years 1965 through 1968, however, he was claiming non-Iowa residence at that time, although he also claimed Iowa residence for Korean and Vietnam bonuses. The citizen had to elect whether to pay the taxes or return payment to the Bonus Board. Citizen elected to pay the tax liability.

77-714 CA/O was contacted by an inmate at IMR with a complaint that he had been caught stealing a ham out of the prison kitchen and had had a disciplinary report and also had been forced to pay for the ham. The ham had been returned to the kitchen. CA/O brought this matter to the attention of the warden at IMR and indicated that since the ham had been returned undamaged to the kitchen there was no cause to assess him the cost of the ham. His money was returned.

77-717 CA/O was contacted by an inmate at ISP complaining that ISP was defrauding the state by receiving funds for "non-existent vocational classes". A review of this matter indicated that this individual was talking about what is known as "start-up classes", with basic skills in building and maintenance, such as sweeping and cleaning up windows and furniture, which were taught for some period of time at the beginning of the quarter. This inmate was so informed and he indicated that he understood.

77-721 CA/O was contacted by an inmate at ISP complaining that he had been inappropriately transferred back to the secure part of the institution from the prison farm without benefit of due process. CA/O reviewed this matter and determined that he had received no due process and recommended that he be reinstated. This was done.

77-723 A blind SSI recipient called CA/O in tears stating that she had received a letter from SSA and although she could barely make out certain words, she was convinced that the letter was telling her that an increase in her SS benefits could affect her Medicaid eligibility. CA/O drove to the lady's house in order to read the letter. It did in fact relate that message. CA/O made inquiry and learned that new federal legislation provides that although a cost of living increase in SS benefits could disqualify a recipient from SSI, it can no longer remove them from the Medicaid program. CA/O explained this to the citizen.

77-724 An inmate at ISP alleged that he had escaped from that institution as a result of coercive homosexual activity. CA/O, after reviewing the matter, asked that the personnel office at ISP conduct an investigation and report back to CA/O. They did so following the personnel procedures of DSS. This investigation resulted in the counselor tendering his resignation which was refused. He was terminated from his employment at ISP.

77-727 CA/O was contacted by an inmate at ISP with a desire to change his name from what he referred to as his "slave name" to his Black Muslim name. CA/O indicated this inmate would need the services of an attorney for such an action. CA/O was later informed that the matter was not resolvable, because there is a statutory provision against convicted felons changing their name. This inmate indicated that he understood. However, CA/O later entered into an agreement with the warden at ISP, whereby, an inmate could receive mail if both names were on the letter.

77-728 CA/O visited a prisoner at a county jail who complained that police officers were unduly rough when he resisted arrest. CA/O's investigation revealed that the complainant's neighbors had complained about being terrorized by him. There was no evidence to substantiate the prisoner's complaint about the police. CA/O so informed the prisoner and further informed him that the neighbors had a right to police protection. CA/O urged the prisoner to contact an attorney about the charges he wanted to file. CA/O later learned the charges against him were dropped and he was released without further mention made of his intended lawsuit.

77-734 Citizen stated several Indians from out-of-state wanted to borrow tents while attending the trial of a county deputy sheriff who was charged with assault upon an Indian prisoner. CA/O referred the request to the Iowa National Guard and suggested that further requests of this nature be made directly to the Guard. The Guard was responsive to the request but required that special provisions be agreed upon.

77-743 CA/O's investigation of the isolation cellhouse at ISP revealed unsanitary conditions and possible staff misbehavior. The staff misbehavior was referred to the warden for further action. The cellhouse unit was closed and is still closed.

77-748 Inmate at ISP contacted CA/O stating that several hundred dollars had been seized by law enforcement officers from his county jail cell. He stated that he had been given a receipt for the money and that it was not used as evidence at his trial. He, therefore, thought it would be returned to him. CA/O made inquiry and informed him that the money was being returned to the original owner. The inmate was disappointed when he learned that he was not considered to be the "original owner".

77-750 Citizen said her constitutional rights were violated because she was forced to submit to a strip search at ISP prior to being allowed to visit her husband who was known to have used drugs heavily. CA/O explained that the search was legal and was conducted as a preventive measure to keep contraband from entering ISP.

77-753 A former Iowa resident had worked for a local school district and wanted a refund of the money she had contributed to the pension plan. The school district said they had lost her address and after CA/O had made inquiry and provided them with her address they processed the check for her refund.

77-760 Citizen complained that a nearby feedlot was spilling waste on his property. CA/O contacted DEQ. They inspected and reported that there was no evidence of water pollution but that the feedlot did not provide the minimum level of waste control to conform with DEQ standards. Notice of the violation was sent to the owner of the feedlot and it was suggested that he contact the local soil conservation district for assistance with a design for waste control. The complainant was advised to contact DEQ further if there was no improvement in the situation. CA/O contacted DEQ and asked why they simply made suggestions to the feedlot owner instead of requiring that the DEQ minimum standards be met. CA/O was informed that unless there is water pollution involved, the rule is really not enforceable.

77-762 A citizen questioned whether the state currently exempts income tax from sick pay. He stated that he was allowed to file an amended return for his federal income tax. CA/O made inquiry and learned that the 1976 Federal Tax Reform Act restricted the exemption to those under the age of sixty-two, who were permanently and totally disabled, effective January 1, 1976. The Iowa Legislature in its 1977 session updated Iowa law to conform with the federal provision. After the Iowa Legislature adjourned, Congress then passed a law delaying the effective date of the restriction to January 1, 1977 and allowing the amended return. Therefore, Iowa law still reflects the January, 1976 effective date.

77-766 An inmate at IWR indicated that she was a twenty year old first offender serving a forgery sentence without having had probation. She felt that she had been inappropriately incarcerated. CA/O reviewed the matter and brought it to the attention of the Board of Parole which released her.

77-771 Citizen complained that she and her husband had been involved in an altercation the night before and now the city police would not return the weapons taken. The police agreed that the weapons had been confiscated and they would not be returned until the citizen had calmed down. The citizens had to go to the police station and sign for the weapons, which they did.

77-775 A legislator and a juvenile's relatives and friends believed the DSS action was hasty and without basis when the juvenile was returned to the Eldora Training School for Boys. The DSS reported that the juvenile himself agreed to return because he had violated the terms of his release contract. This agreement eliminated the formal revocation procedure. CA/O relayed this information to the juvenile's mother and the legislator who had expressed concern.

77-782 A victim of Multiple Sclerosis was denied a driver's license, after passing the test, when the examiner noticed that he stumbled upon leaving the test facility. The citizen's physician stated to DOT that the citizen may not be a good risk while driving. DOT was within its regulations in requiring additional information. The Driver's License Medical Advisory Board reviewed this additional information and approved the citizen re-taking the driver's license examination, which he did, and successfully completed.

77-791 Citizen complained that Iowa Veteran's Home in Marshalltown acted illegally and irresponsibly because they charged him for his care when the facility is partially federally funded. CA/O found that the citizen had not disclosed the full amount of his assets on his application for admittance. When this was discovered, the facility charged him in accordance with Section 219.16. CA/O explained to the citizen that the federal funds to the home came in the form of per diem covering the top thirty percent of actual cost of care. He was billed at seventy percent of the actual cost. He, therefore, did receive the benefits provided by the federal funding.

77-810 A court had ordered a juvenile to the state juvenile home and the youth had been refused admission. A state representative had requested CA/O to review whether the juvenile home had such discretion. CA/O's research revealed that the juvenile home had no legal basis for refusing a court ordered placement. In the meantime, the youth was placed in a group home closer to his home county. CA/O advised the representative of the results of the research.

77-826 An inmate at IMR indicated that he was a vegetarian and did not feel that he was receiving adequate vitamin supplements and requested permission to obtain special vitamin supplements paid for by IMR. CA/O reviewed the matter and determined that seven different types of vitamin and protein tablets and other supplements were available to this individual at IMR. CA/O indicated to this individual that we felt that unless he was suffering from some extraordinary problems, these would certainly be sufficient.

77-833 An inmate at IMR indicated that he had been sexually assaulted. CA/O arranged for a polygraph test due to his specific allegation against another inmate. The test indicated that the complainant was untruthful and attempting to create a situation which would make it appear that he was in danger in order to obtain an early release. He was informed that his case had been found to be without merit.

77-834 An inmate at ISP complained about safety conditions in the Prison Industries building. Specifically he complained about a fork-lift which was falling through the ceiling of the third floor and the generator on the second floor which was inadequately secured and was causing cracks. Both these areas were found to be hazardous, corrective action was recommended by the State Bureau of Labor. Repairs were made.

77-903 Citizen complained about the discrepancy in services given her by BCI. BCI had assisted another citizen in a similar situation in locating her ex-husband and children, at the request of a local police agency. CA/O explained that BCI had no legal authority to intervene for a private citizen unless requested to do so by the local law enforcement agency involved or certain other governmental officials.

77-911 Citizen complained that DOR was trying to collect an eighteen year old tax liability from him and he had no way of knowing that he owed the tax liability. This was a similar case to others that CA/O had become involved in; however, CA/O learned that the citizen had made an agreement with the department to pay the money eighteen years ago and had reneged on that agreement and the department had also sent the citizen, through his mother, a certified letter while citizen was in the military. The DOR was justifiably trying to collect this liability.

77-929 CA/O was contacted by the father of an inmate at IMR indicating that his son had been locked up for allegedly throwing pop cans off the galleries at ISP and endangering the safety of correctional employees. CA/O reviewed the matter and determined that there was a question as to whether or not this inmate was involved at all. A polygraph test was administered which exonerated him completely and he was released from administrative segregation.

77-957 An inmate at IWR received a disciplinary report for possession of marijuana. She indicated that she had not received her due process rights. CA/O found this to be untrue. CA/O also noted during the course of inquiry that this inmate was diabetic and not properly adjusted to her therapy and this appeared to be affecting her physical and mental health. CA/O asked that she be seen by a physician and placed back on the restricted diabetic diet as soon as possible. The initial complaint was found to be without merit but corrective action was taken as a result of our overall examination of the situation.

77-958 Citizen stated she could not understand why there was an Iowa law that stated a beauty college had to use its own products and not what the customer furnished. She said that a notice was posted at the school quoting the law. CA/O called the Iowa Department of Health's Cosmetology Board and learned it was only a school policy to use school products and that there was no such law. The board stated it would contact the school about correcting the posted notice.

77-975 Inmate complained that the BCI took his clothing and all personal belongings when he was locked up on suspicion of stabbing another inmate. Ten days later he was still without needed toilet articles. Investigation revealed that BCI had returned all items except those to be used as evidence within two days, but that ISP staff had not returned them to the inmate. CA/O contacted ISP and the toilet articles were made immediately available to the inmate and all personal property was returned within a few days.

77-987 JS hearing officer discussed, at complainants hearing, two issues which were pending relative to a claim for unemployment benefits. Both matters were resolved and the hearing officer informed the claimant that benefits would be received. Later the claimant received a form letter instructing her to appear for another hearing. CA/O's investigation revealed that the hearing officer issued a written decision on only one of the issues. The hearing officer had resigned and the new hearing officer had no knowledge of the resolution. The matter was resolved and benefits commenced.

77-1007 An inmate at IWR indicated that she was serving a ten year sentence for a first offense for forgery and had served approximately seven months. She wished to obtain parole consideration based on the fact that she was nineteen years old and had an outstanding institutional record. The Board of Parole concurred with our suggestion in the matter and paroled her to the community where she now resides.

77-1035 Citizen said that her son's widow was also his murderer and by law should be prevented from having a share in his estate. Technically, the widow could not be deprived of her share of joint property, although she legally could not inherit any property not jointly owned, because of her actions in the death. The question receives mixed responses in various legal jurisdictions around the country. Iowa law has not addressed this particular problem to date. The case is also complicated by the existence of children in the family who have inheritance rights. CA/O explained to the decedent's mother that the widow might have a valid claim upon property jointly owned. The matter now requires a court decision.

77-1039 A citizen wanted to move her home which she had repurchased from DOT. She needed more time to have the home moved, although DOT had given her ample time to do so. City street construction was now preventing access to streets on which she could move her home. After several extensions, DOT was charging her a nominal rental for the space. She felt that she should not have to pay any rental, as it was not her fault that she could not move her house. However, since citizen had ample opportunity to move her house before street construction, DOT's rent request was not unreasonable.

77-1052 Citizen complained that the city refused to allow him to place his mobile home on a permanent foundation on a lot which he owned. The ordinance in question was improperly written and was in conflict with Section 135D of the Iowa Code. When CA/O so apprised the mayor and the city attorney, they agreed and allowed the placement.

77-1077 Citizen purchased a business and filed papers with JS to provide unemployment compensation to employees. According to complainant the JS form contained a typewritten note giving him an extension of time for the first payment due date. He then received a past due notice, including interest and penalty due. JS had no record of a request for an extension or that it had been granted. CA/O pointed out to JS that Section 96.14(2) provides them with authority to waive interest and penalties in cases of misunderstanding. They agreed to do so.

77-1078 CA/O was contacted by an inmate at IMR who complained that his common-law wife had been removed from his visiting list after he attempted to use her to introduce contraband into the institution. He alleged a denial of due process. CA/O investigated and determined that this was not correct. CA/O further investigated his allegation that correctional employees do not have the right to search inmates' cells without a warrant. CA/O researched this allegation and found that this also was not correct. The complaint was without merit and the inmate was so informed.

77-1079 An adult parole officer contacted CA/O relative to a deaf-mute who had been ordered by the court to successfully complete a course for drinking drivers. An interpreter was needed and she did not know who was responsible for providing that service. Ultimately, the coordinator of special needs at Iowa Western Community College agreed to provide the interpreter. CA/O referred this parole officer to the Department of Deaf Services and suggested that she relate this problem to that agency so that they might be aware of the need in such cases.

77-1083 An inmate at IWR requested a recommendation for early parole consideration from CA/O based on the fact that she had a seriously ill mother. CA/O reviewed the matter and determined that she did not intend to live with the mother but wished to live with her boyfriend some sixty miles away. Contact with her counselor indicated that this inmate has done nothing to merit early parole consideration and that she is apparently attempting to gain some consideration for release by using CA/O as a vehicle. CA/O, upon discussion of the matter with her, was told by her that this was indeed the case and her case was found to be without merit.

77-1086 Citizens complained about the fact that people and agencies, such as the Area Agency on Aging, could not borrow educational films from a local area educational agency. The state director for DPI explained that there was a federal requirement that educational films obtained with federal and state funds must be kept at schools and under no circumstances could be loaned out to anyone.

77-1087 The Board of Parole indicated that during a routine interview an inmate had told them he had been guaranteed release. CA/O investigated and determined that this was an apparent outgrowth of his having functioned as an informant. His efforts had resulted in the confiscation of two hand guns, a quantity of narcotics and money. CA/O reported to the Board of Parole that we did not feel the institution had guaranteed inmate parole due to the fact that he is a serious parole violator with a poor past record. CA/O recommended corrective action in the form of a transfer to another state correctional system.

77-1091 A father was concerned about legal liability for a car his son sold to a friend who had not transferred the title. After several accidents, the seller wanted to relieve himself and his father from liability. Under Section 321.46, citizen could show title should have been transferred and CA/O explained how to utilize that section in order to protect himself.

77-1116 A private school refused to furnish a transcript of a student's grades because the parents had not paid the tuition. CA/O contacted DPI and insisted that they enforce their administrative rule which prohibits such activity. The school was put on notice and procedures commenced to remove the school from DPI's approved list.

77-1143 Citizen contacted his legislator stating that there was a conflict in the rules between the SSA and the DSS regarding eligibility for SSI for nursing home patients. CA/O researched the matter and found that the SSA considers a separated couple as two individuals with separate incomes for the purpose of SSI eligibility. The DSS considers such separated persons as a couple for income purposes. CA/O provided the legislator with research information and documents for his response to his constituent.

77-1144 Citizen's attorney stated his client needs a driver's permit to drive to a drinking driver's school and work but had not received a permit application as DOT had not received a required form with a criminal conviction record number from the county courthouse. CA/O called the county clerk of court and learned the clerk had sent the required form twice to DPS. CA/O corrected the clerk and asked that the form be re-sent to DOT. CA/O explained to the attorney that his client would receive the permit application when the form was forwarded by the court to DOT.

77-1145 An inmate at ISP complained to CA/O that there were rats in Cellhouse 20. He stated that he had actually been awakened by a rat at the foot of his bed. He said that he had complained to the guards but that no action had been taken. CA/O contacted the warden's office and was informed that they had no knowledge of such problems. The exterminator was called. There have been no further complaints in this regard.

77-1169 An inmate at ISP complained that \$200 which his sister had concealed in a greeting card and attempted to send him had been confiscated by ISP and not returned. CA/O reviewed the circumstances and determined that it is within the jurisdiction of the institution to take such money as it is contraband. There is no entitlement for return. Such monies are placed in the inmates' welfare fund.

77-1206 An inmate at ISP complained about Indian youngsters who were invited to participate in a cultural event inside the prison but were not allowed to enter by prison administrators. The inmate's question was, if other youngsters could enter the prison for prison events, such as little league ball games, why were the Indian youngsters prevented from entering and participating in a cultural event sponsored by the prison's Indian-Chicano Cultural Center. The warden stated that no prior agreement was made with prison administration to allow the Indian youngsters to enter the prison and other youngsters were allowed to participate in events for the entire prison population, not for just one prison organization. In the future, Indian youngsters will be allowed to enter for an Indian cultural event for the entire population but prior arrangements, agreements and scheduling must be completed and documented by inmates and administrators.

77-1234 Two citizens were opening a supper club and needed a liquor license which was being denied by the board of supervisors. These supervisors cited Section 332.23 which, upon investigation, was inappropriate for this denial. Further investigation revealed that the supervisors were really denying the citizens application based upon the felony conviction of one applicant's husband. CA/O explained to the supervisors that a valid reason would have to be given. The county attorney eventually advised them to give the liquor license to the business, so long as the applicants were not convicted felons.

77-1235 A counselor at IWR indicated to CA/O that an inmate serving time for false pretences appeared to be a good candidate for early release consideration. She was nineteen years old and a first offender who had received no probation. She had done extremely well at IWR. There was also substantial question as to guilt. CA/O indicated that we do not retry cases but that we agreed that she had done extremely well and would commend her to the interest of the Board of Parole. She was paroled.

77-1273 Vietnam veteran did not apply for Iowa Bonus because he had received an Undesirable Discharge. The discharge was upgraded to General after the application deadline. The Army Discharge Review Board who updated the discharge to General specified that it appeared that the complainant should not have received a Dishonorable Discharge in the first place. CA/O contacted the Bonus Board asking that they consider accepting the late application on the basis of that specification. CA/O represented complainant at the Bonus Board meeting at which time the board ruled that the application could not be considered because the deadline for filing applications is statutory, Section 35C.5, of the Iowa Code.

77-1310 An inmate at IMR complained that during the course of an escape he had left all his personal property at RRC. When these items were forwarded to IMR, several items were missing, including an 1844 Indian head penny valued at \$375. CA/O forwarded this inmate a set of tort claim forms to file. CA/O noted for the inmate that we were astonished that he would leave behind such an extremely light and valuable item.

HALTING THE RUN-AROUND

A total of 1,302 contacts made to CA/O during 1977 were never developed into case files. These contacts, however, constitute a very important aspect of the service provided by this office to the citizens of the State of Iowa.

Government has become very complex at the state, county and municipal level. Each level has many divisions, authorities, agencies, district offices, commissions, etc. We encourage citizens to contact this office for direction even if their concern is not a matter which will ultimately be investigated by this agency.

Very often when we ask a citizen if we can help them, the response will be "I certainly hope so. All I've gotten so far is the run-around".

We will direct the citizen to the proper agency or, if the problem is one which is not regulated by government, we will tell them that. We will explain that their problem is a private legal matter or a personal problem if that is appropriate. If they think they have cause for a damage claim against the state, we will explain to them how to file a claim and provide them the forms with which to do so. If we do not know the answer to their concern, we will make the necessary inquiries to enable us to provide accurate information. It is our responsibility to know government so that the citizens know, after having talked with us, where and how they may appropriately resolve their concern.

We are here to help and to provide courteous, accurate information and direction to anyone who seeks our assistance.

The breakdown on remaining complaints is as follows:

Not justified.....	531
Rectified or partially rectified....	39
No basis to judge.....	58
Legislation needed to rectify.....	4

Most citizen complaints are received by telephone. The office 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 all contacts is as follows:

Phone.....	1,751 (66.8%)
Mail.....	642 (24.4%)
Visit.....	231 (8.8%)

The following is a breakdown of referrals: Citizens are not routinely asked who referred them. If the source of the referral is known, the information is recorded. These figures include only those contacts which were made into case files.

Congressional delegation and other elected officials..	193
General Assembly.....	119
Governor's office.....	163
State agencies.....	80
Previous case.....	108
Other.....	121
No record.....	619

The breakdown of cases by department is as follows: The totals will exceed the total number of contacts (2,733) since many related to more than one agency or category.

State Government, generally.....	6
Aging Commission.....	2
Agriculture Department.....	7
Attorney General.....	5
Consumer Protection.....	12
Auditor of State.....	1
Beer and Liquor Control Department.....	2
Blind Commission.....	6
Board of Parole.....	94
Board of Regents.....	2
Iowa State University.....	5
State University of Iowa.....	1
University of Iowa Hospitals.....	9
Bonus Board.....	3
Veterans' Affairs Commission.....	2
Citizens' Aide.....	6
Civil Rights Commission.....	10
Commerce Commission.....	22
Comptroller.....	2
Conservation Commission.....	13
Credit Union.....	1
Crime Commission.....	4
Department of Environmental Quality.....	6
Department of Transportation.....	18
Transportation Regulation Board.....	3
Highway Division.....	14
Motor Vehicle Division.....	10
Drivers' License.....	15
Vehicle Registration.....	2
Motor Vehicle Enforcement.....	2
Fair Board.....	1
General Services.....	1
Buildings and Grounds.....	2
Capitol Police.....	1
Health Department.....	17
Records and Statistics.....	5
Cosmetology License.....	2
Psychology Examiners.....	3
Historical Society.....	1
Industrial Commissioner.....	6
Insurance Department.....	20
Job Service of Iowa.....	25
I.P.E.R.S.....	10
Unemployment Insurance Division.....	149
Labor Bureau.....	11

Library.....	1
Medical Library.....	1
Merit.....	5
Natural Resources Council.....	4
Nursing Board.....	1
Pharmacy Examiners.....	1
Planning and Programming.....	6
Public Defense.....	3
Military Division.....	4
Public Instruction.....	11
Vocational Rehabilitation.....	8
Public Safety.....	5
Highway Patrol.....	9
Bureau of Criminal Investigation.....	7
Fire Marshall.....	4
Real Estate Commission.....	2
Revenue Department.....	12
Income Tax.....	15
Property Tax.....	8
Sales and Use Tax.....	8
Secretary of State.....	4
Social Services (Excluding Corrections).....	45
Adult Corrections.....	403
Community Services.....	8
Mental Health.....	14
Medical Assistance.....	14
Family and Adult Services.....	65
Child Support Recovery Unit.....	5
Income Maintenance.....	27
Bureau of Youth Services.....	5
County Departments.....	66
Municipal Government, generally.....	74
Assessor.....	3
Attorney.....	2
City Clerk.....	2
Civil Service Commission.....	2
Council.....	17
Engineer.....	2
Health Department.....	1
Mayor/Manager.....	4
Police Department.....	26
Street and Sanitation.....	8
Water Works/Solid Waste Fee.....	14
County Government, generally.....	24
Assessor.....	8
Attorney.....	12
Board of Supervisors.....	25
Civil Service Commission.....	3
Clerk of Court.....	2

Engineer.....	4
General Relief Office.....	19
Health Department.....	6
Recorder.....	3
Roads Department.....	4
Sheriff's Office.....	24
County Jail.....	16
Township Trustees.....	2
Treasurer.....	8
Schools and School Districts.....	32

The following are non-jurisdictional categories:

Governor's Office.....	4
General Assembly.....	1
Legislative Service Bureau.....	1
Supreme Court and Judiciary.....	8
Federal Government.....	53
Social Security.....	35
Military.....	4
Veterans' Administration.....	6
Bureau of Indian Affairs.....	3
Wage Collections, Employment.....	87
Agency Employees' Complaints.....	26
Miscellaneous Legal.....	328
Criminal.....	22
Consumer.....	120
Child Support and Marital.....	28
Insurance Complaints.....	49
Workman's Compensation Complaints.....	21
Bank Complaints.....	8
Auto Dealer Complaints.....	1
Utility Complaints.....	40
Landlord-Tenant Problems.....	57
Non-governmental - Indian Related.....	24
Members of Legal Profession.....	14
Miscellaneous.....	310

The breakdown of total contacts (2,733) by county are as follows:

Adair.....	13
Adams.....	5
Allamakee.....	3
Appanoose.....	16
Audubon.....	4
Benton.....	12
Black Hawk.....	57

Boone.....	13	
Bremer.....	5	
Buchanan.....	13	
Buena Vista.....	5	
Butler.....	8	
Calhoun.....	6,	23*
Carroll.....	7	
Cass.....	6	
Cedar.....	7	
Cerro Gordo.....	23	
Cherokee.....	8	
Chickasaw.....	3	
Clarke.....	4	
Clay.....	8	
Clayton.....	13	
Clinton.....	56	
Crawford.....	6	
Dallas.....	19	
Davis.....	6	
Decatur.....	9	
Delaware.....	9	
Des Moines.....	28	
Dickinson.....	6	
Dubuque.....	27	
Emmet.....	6	
Fayette.....	17	
Floyd.....	8	
Franklin.....	3	
Fremont.....	7	
Greene.....	4	
Grundy.....	2	
Guthrie.....	11	
Hamilton.....	5	
Hancock.....	5	
Hardin.....	9	
Harrison.....	6	
Henry.....	19	
Howard.....	11	
Humboldt.....	6	
Ida.....	1	
Iowa.....	7	
Jackson.....	6	
Jasper.....	17,	10*
Jefferson.....	5	
Johnson.....	49,	10*
Jones.....	28,	105*
Keokuk.....	8	

*contacts received from correctional institutions.

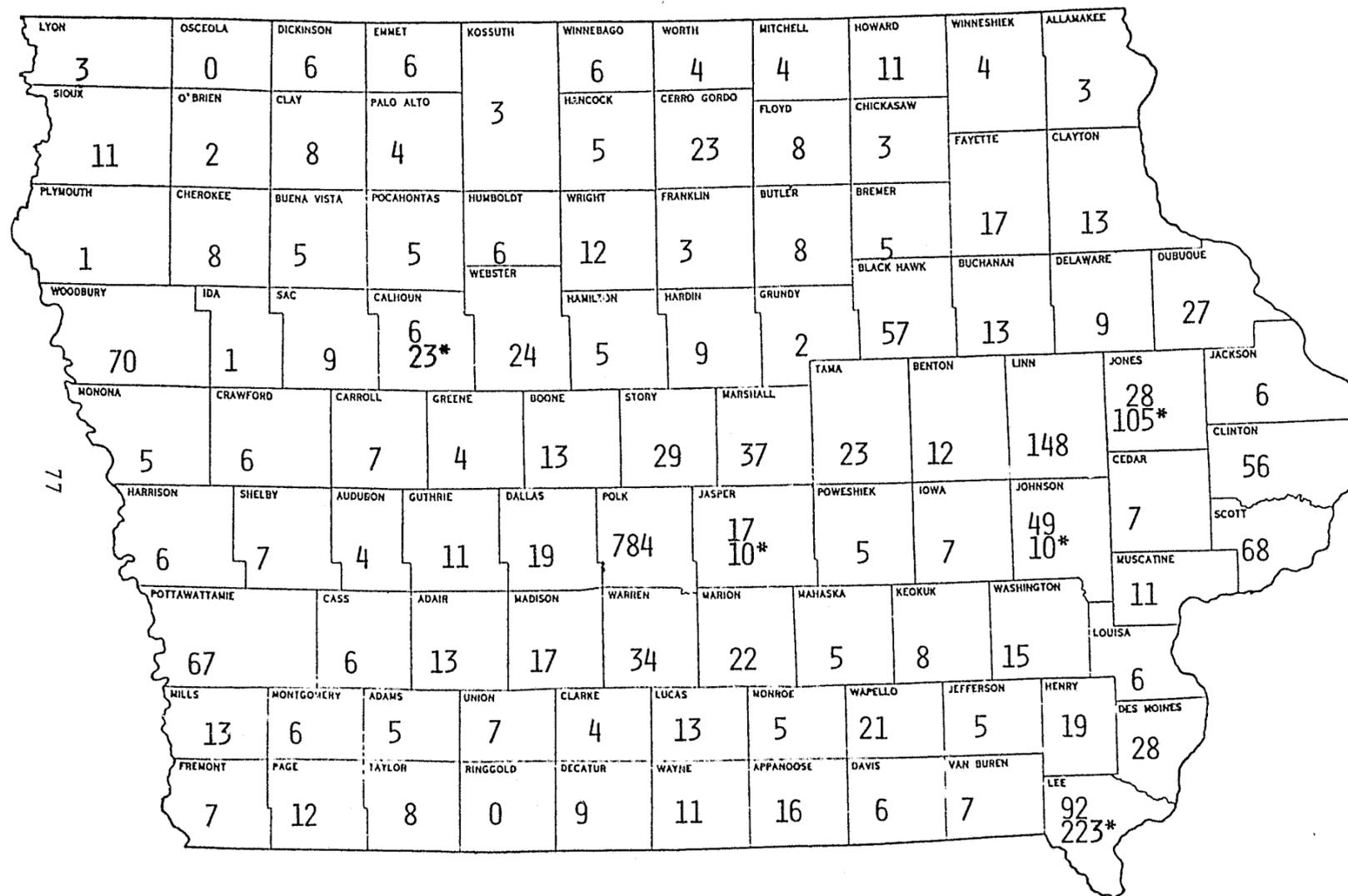
Kossuth.....	3	
Lee.....	92,	223*
Linn.....	148	
Louisa.....	6	
Lucas.....	13	
Lyon.....	3	
Madison.....	17	
Mahaska.....	5	
Marion.....	22	
Marshall.....	37	
Mills.....	13	
Mitchell.....	4	
Monona.....	5	
Monroe.....	5	
Montgomery.....	6	
Muscatine.....	11	
O'Brien.....	2	
Osceola.....	0	
Page.....	12	
Palo Alto.....	4	
Plymouth.....	1	
Pocahontas.....	5	
Polk.....	784	
Pottawattamie.....	67	
Poweshiek.....	5	
Ringgold.....	0	
Sac.....	9	
Scott.....	68	
Shelby.....	7	
Sioux.....	11	
Story.....	29	
Tama.....	23	
Taylor.....	8	
Union.....	7	
Van Buren.....	7	
Wapello.....	21	
Warren.....	34	
Washington.....	15	
Wayne.....	11	
Webster.....	24	
Winnebago.....	6	
Winneshiek.....	4	
Woodbury.....	70	
Worth.....	4	
Wright.....	12	

*contacts received from correctional institutions.

A total of 71 contacts were received from residents of 23 other states, five from Washington, D.C. and one from the country of France. The breakdown is as follows:

Arizona.....	1
California.....	6
Connecticut.....	1
Florida.....	2
Georgia.....	1
Illinois.....	13
Kansas.....	4
Kentucky.....	3
Maine.....	1
Maryland.....	1
Massachusetts.....	1
Michigan.....	2
Minnesota.....	8
Mississippi.....	1
Missouri.....	3
Nebraska.....	11
New Mexico.....	1
New York.....	1
Oregon.....	3
Oklahoma.....	2
Pennsylvania.....	1
Wisconsin.....	3
Wyoming.....	1
Washington, D.C.....	5
France.....	1

NUMBER OF CONTACTS BY COUNTY



*Contacts received from correctional institutions.

CENTER FOR GOVERNMENTAL RESPONSIBILITY

ADDRESS: University of Florida
Holland Law Center
Gainesville, Florida 32511

STAFF SIZE: 8 full-time staff, including 5 professionals;
40 legal intern researchers.

STAFF DIRECTOR: Jon L. Mills, Executive Director.

PURPOSE: CGR is committed to the goal of promoting the
accountability of government officials and
institutions.

RESEARCH: CGR investigates the current status of govern-
ment accountability and proposes reforms. It
has studied openness-in-government reforms such
as sunshine legislation and the Freedom of Infor-
mation Act, as well as government regulation,
state campaign finance regulations, energy policy
(including land use and utility issues), budget
reform, government forecasting capability and
government ombudsmen.

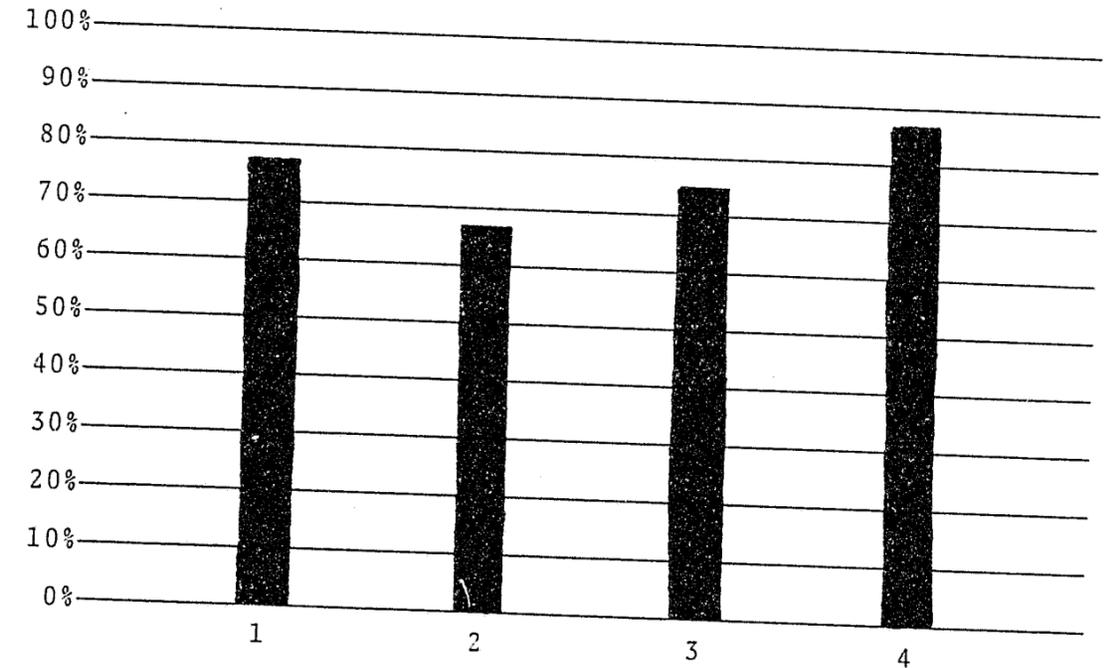
HISTORY: CGR, founded in 1974, evolved out of the Executive
Impoundment Project, a one-year study that attracted
national press attention at the time of the impound-
ment controversy. Funding for CGR has almost
doubled over the past year, and its expertise is
relied upon at the national and state levels.

BOARD OF DIRECTORS: A 20-member Board of Advisors that includes:
Rep. John Brademas Arthur Miller
Sen. Lawton Chiles Joseph Onek
Justice Tom Clark Sen. William V. Roth, Jr.
Rep. Sam Gibbons William D. Ruckelshaus
Kenneth J. Guido, Jr. William Ruder
W. Thomas Jacks David Schoenbrod
Joseph R. Julin Chesterfield Smith
John Tepper Marlin Rep. James Symington
Hon. Wade H. McCree, Jr. David Tatel
Michael McIntosh Alvin Toffler

FUNDING: CGR's principal source of funding is the McIntosh
Foundation. It also does government contract work.

EFFECTIVENESS: As a new organization concentrating on research,
CGR already has gained a reputation for its exper-
tise and has received favorable press coverage.

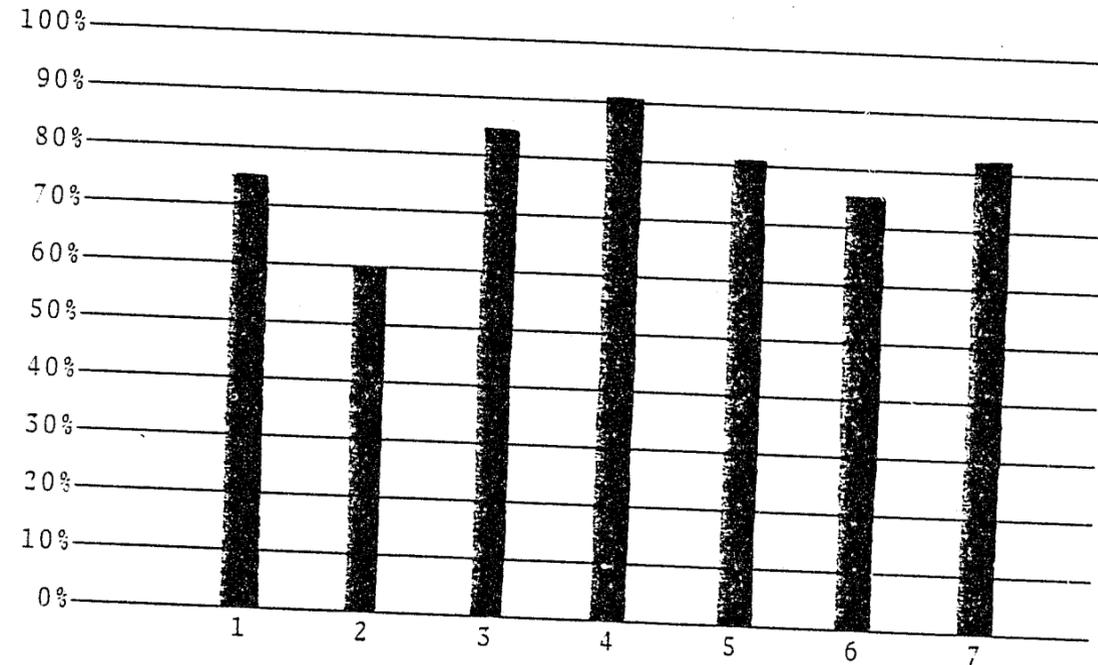
SURVEY RESPONSE
LEGISLATORS



1. 78% indicated that they do refer complaints to CA/O.
2. 67% were originally in favor of creating the office of CA/O.
3. 75% of those who were in favor of creating the office of CA/O are still positive in their attitude towards the CA/O program.
4. 87% of those who were neutral or negative to the creation of the CA/O program are now positive.

(42% of the legislators contacted responded to the survey)

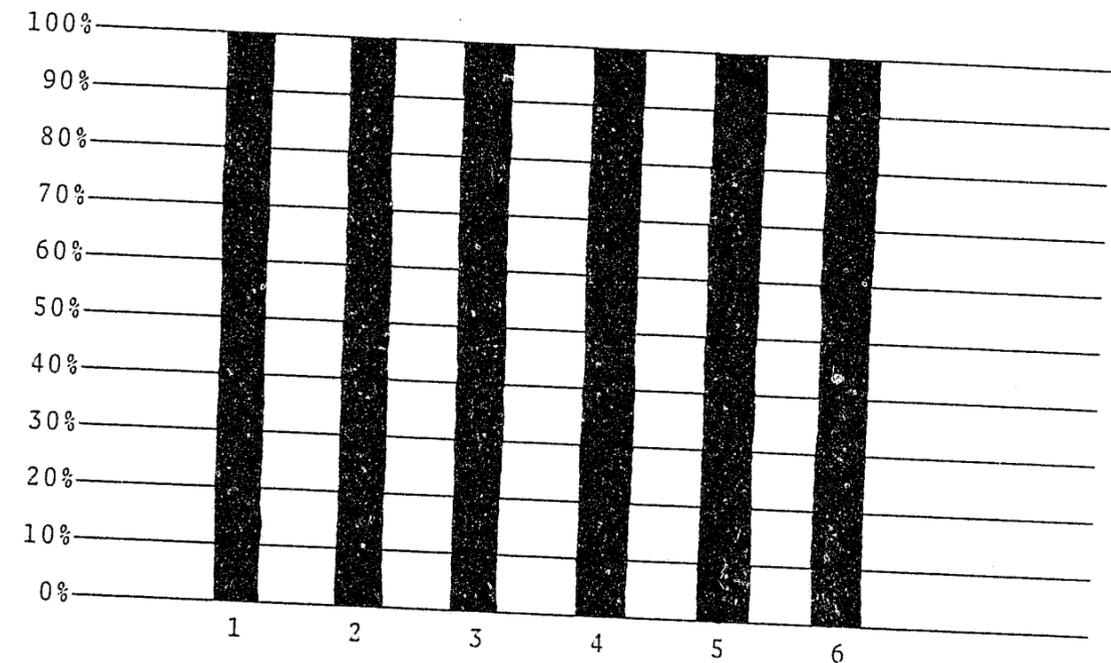
SURVEY RESPONSE
AGENCY



1. 75% considered CA/O to be effective in resolving complaints.
2. 60% indicated that CA/O has been helpful in improving the operation of their agency.
3. 84% felt that CA/O has dealt with them in a fair and reasonable manner.
4. 91% indicated that CA/O was usually reasonable in accepting explanations.
5. 81% indicated that CA/O usually maintained neutrality.
6. 75% indicated that CA/O was knowledgeable about laws and regulations of the agency.
7. 82% indicated that CA/O had been fair in its conclusions.

(50% of the agencies contacted responded to the survey)

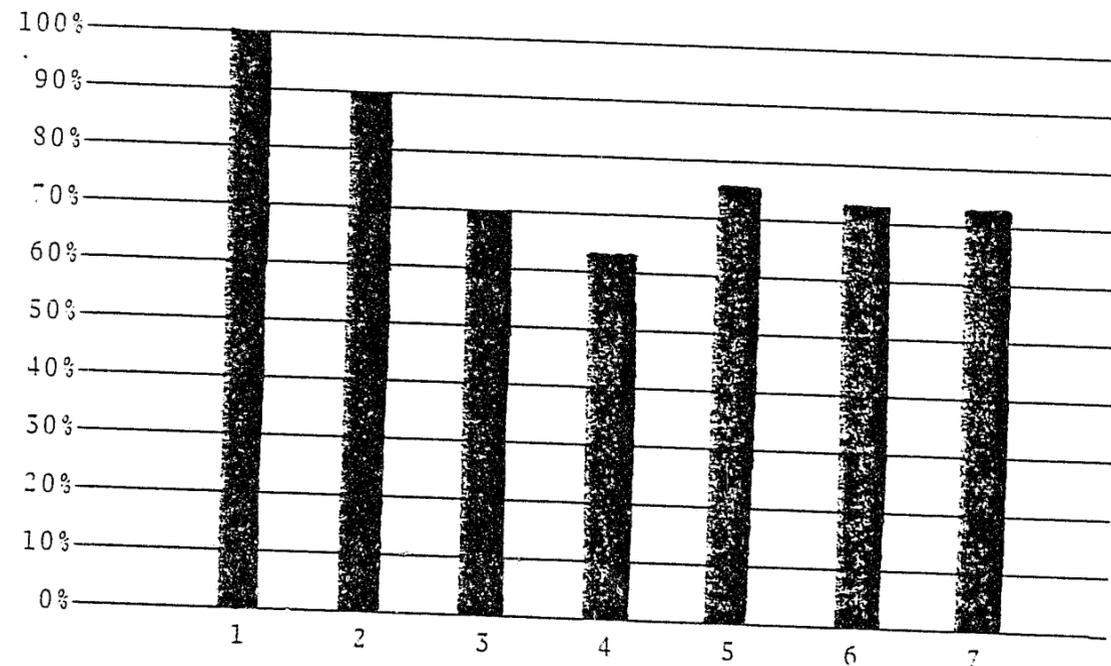
SURVEY RESPONSE
CONGRESSIONAL DELEGATION



1. 100% referred constituents to CA/O when they had a question or a complaint involving state or local government.
2. 100% indicated that their constituents have been satisfied with the services provided by CA/O.
3. 100% have found CA/O to be responsive to their inquiries.
4. 100% have found CA/O to be knowledgeable about matters within the CA/O's jurisdiction.
5. 100% have found CA/O to be useful to the Congressperson's function.
6. 100% found CA/O to be an effective problem solver.

(Seven of the eight members of the congressional delegation responded to the survey)

SURVEY RESPONSE
COMPLAINANTS



1. 100% indicated that when they first contacted the CA/O they were treated courteously.
2. 90% felt that the CA/O had understood their problem.
3. 70% were satisfied that CA/O had done its best to help them.
4. 63% indicated that CA/O either resolved their problem or explained why it couldn't be resolved.
5. 76% indicated that they would call upon CA/O again for assistance.
6. 73% had or would advise a friend to call upon CA/O for help.
7. 73% indicated that they felt that the service provided by CA/O is worthwhile.

(32% of the complainants surveyed responded)



STATE OF IOWA

Department of Social Services

LUCAS STATE OFFICE BUILDING DES MOINES, IOWA 50319

ROBERT D. RAY
Governor

KEVIN J. BURNS
Commissioner

December 1, 1977

Mrs. Ruth L. Mosher
Acting Citizens' Aide
Citizens' Aide Office
515 E. 12th Street
L O C A L

Dear Mrs. Mosher:

This is in response to your letter of November 23, following the investigation and report by the Citizens' Aide Office of alleged racial bias and attitudes at the Women's Reformatory at Rockwell City. The Department, Division and Institution sincerely appreciate the efforts made by the Citizens' Aide Office to assist us in this matter.

The report concludes "that the complaints made by the inmates of the Women's Reformatory are not based on fact." However, it was also concluded that it is possible for the residents to form these opinions because of the random manner in which certain security measures have been implemented. To preclude this possibility, more precise rules will be formulated and enforced.

Further, these opinions could be strengthened by the location of the institution in a rural, virtually all white area where employment of minority staff is difficult. Affirmative Action recruitment efforts have been made in the past and will continue. These recruitment efforts have included the formal recruitment agencies, i.e. Merit, Job Services, advertisements in the Fort Dodge newspapers, informal contacts by minority staff when they were employed, through minority volunteers and word of mouth. The Affirmative Action officer of the Department has been requested to make a site visit to assist the staff in recruitment efforts.

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IOWA CITIZENS AIDE OFFICE

Mrs. Ruth Mosher
December 1, 1977
Page 2

The Citizens' Aide Office concluded that "on at least one occasion" improper statements were made by the Superintendent to residents of the Reformatory. This criticism, regardless of the circumstances of the particular moment, is appropriate. While there is no substantive evidence to indicate that this conduct has occurred on more than one occasion during the five years that Mr. Wallman has been Superintendent, he readily agrees with the validity of this complaint. He has accepted counseling in a positive manner and no further disciplinary action is planned at this time.

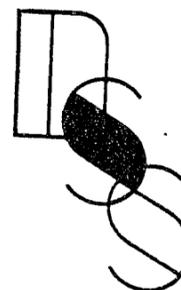
The final area of concern expressed by the Citizens' Aide Office dealt with the visiting regulations at the Reformatory. As you know, the Women's Reformatory is a minimum custody institution, a fact which intensifies the need for administrative security precautions in the absence of more adequate physical security. Numerous procedural changes have been instituted to improve this situation. These include; searches of persons when probable cause exists, when reliable information indicates contraband may be introduced into the institution, or on a random basis; limiting what visitors may bring or send through the mail to residents; and prohibiting the possibility of return to vehicles after a visit has begun. It is anticipated that in the near future visitors will be photographed to provide an improved means of identification. Signs will be posted to notify persons entering the grounds that only authorized individuals may enter, and that all persons and vehicles are subject to search. The searching of all visitors is presently perceived as an excessive and unnecessary action.

Thank you for the opportunity to respond to the recommendations in this report. The cooperation and assistance of your agency in all matters of mutual concern is greatly appreciated.

Sincerely,


Kevin J. Burns
Commissioner

KJB/REM/jr



STATE OF IOWA

Department of Social Services

LUCAS STATE OFFICE BUILDING DES MOINES, IOWA 50319

ROBERT D. RAY
Governor

KEVIN J. BURNS
Commissioner

December 16, 1977

RECEIVED

DEC 16 1977

IOWA CITIZENS AIDE OFFICE

Mrs. Ruth Mosher
Acting Citizens' Aide
Citizens' Aide Office
515 E. 12th Street
L O C A L

Dear Mrs. Mosher:

This will respond to your letter of December 1, 1977 following the investigation and report by the Citizens' Aide Office of the Contract Release Program between the Women's Reformatory at Rockwell City and the Iowa Central Community College at Fort Dodge. The institution, Division and Department sincerely appreciate the efforts made by the Office of the Citizens' Aide at the request of Superintendent Wallman. Each recommendation will be specifically addressed as well as the conclusions when there appears to be a difference in perception, as to the facts of the case. As a matter of record, the Office of the Citizens' Aide was requested by Superintendent Wallman to provide additional investigation after the Bureau of Criminal Investigation had reviewed the matter and in the Superintendent's opinion, left several issues unresolved.

The first recommendation dealing with avoiding the use of informants whenever possible is reasonable and has in fact been rarely employed. As a common practice, such information is not solicited or encouraged and has been used only in those situations where a significant threat to the security of the institution and/or therapeutic programs is in evidence and when the informant has volunteered to provide information. In all instances, informant information is utilized in such a manner as to assure anonymity and the physical well being of the individual involved. Obviously, speculation that a person may be an informant cannot be eliminated.

Recommendations two through eight deal with the legality and implementation of the Contract Release Program between the Women's Reformatory and the Iowa Central Community College. Inquiry to the

Mrs. Ruth Mosher
December 16, 1977
Page 2

Legal Services section of the Department resulted in the recommendation that Chapter 247A of the Code of Iowa be explored in setting up an educational release program which would involve a Parole Board member or its' designee. We have been advised by Assistant Attorney General Stephen Robinson that an educational release program would not be subject to the six month limitation placed on work release programs. Thus, further planning will be necessary in contemplation of continuing this program under the provisions of Chapter 247A. Mr. Robinson has also indicated that the present educational program is legal under the powers given to the Division of Adult Corrections under Section 217.14(3) of the Code, but that the administration of this program under Chapter 249A may be more desirable as a matter of policy.

We believe correctional institutions are specifically excluded from the Administrative Code and since it has been established that a contract could exist between an educational agency and a correctional institution, it would not appear appropriate to include in the Administrative Code. Written rules, criteria and procedures for residents of the Women's Reformatory to become participants in this program do exist within the institutions' published rule book. The Contract Release Program is not intended to subvert parole, work release or other furlough programs adopted under any section of the Code, but was developed to provide educational opportunities for Women Reformatory residents to attain additional academic credit and progress. Contract Release provides a program which is unique unto itself, having distinct differences from the provisions of furlough, work release or parole activities. Notwithstanding, the screening process for persons entering the program is the same as that employed for screening persons recommended for work release or parole. A review of all file information, recommendations made by the counselor and cottage team to an assessment committee comprised of the Assistant Superintendent, Cottage Directors, counselors, medical department supervisor, education department director and the correctional officer assigned to supervise community programming, are finally approved by the Superintendent. Consideration for approval routinely includes review of the prior criminal history, residence, performance history at the Women's Reformatory, academic skills, appropriateness for program consideration, risk factors to the community and security factors attendant to having an individual participate in the Contract Release Program. The effectiveness of the screening process would appear to be substantiated from the fact that in the last four and one-half years since its inception, this is the first time significant violations have been brought to the attention of the Department.

The recommendations by I.C.A. with reference to providing improved supervision for persons attending I.C.C.C. is appropriate. Accordingly, this phase of the program has been strengthened. Further, as the scope of the new program is developed, consultation with college officials will hopefully result in additional assistance during classroom activities. It would be difficult to assign one person on a full time basis to be at the community college for supervision of only those persons in the

Mrs. Ruth Mosher
December 16, 1977
Page 3

program.

The recommendation that routine searches of all inmates be made each time they return from the I.C.C.C. campus is certainly germane but would appear to be excessive. However, routine and random searches have been increased since the problem was brought to the attention of the Department. The searches have included a thorough examination of all items carried by the person, all clothing, and intensive personal searches when indicated.

As has been appropriately pointed out by the Citizens' Aide, additional educational program opportunities have been initiated by the Women's Reformatory with two college courses commencing January 9, 1978 to be taught at the institution. These courses do not depend on whether or not the Contract Release Program is maintained. The difficulty of providing separate college programming for a wide educational range of residents with a disparity of arrival and release dates is readily apparent, making it exceedingly expensive to program more than the most basic courses on a continuing basis.

The actions on the part of the Superintendent in the two matters addressed in the recommendations have been reviewed. There is ample evidence to conclude that upon being contacted by the clients involved, the Superintendent made it clear that providing information on this occasion would in no way excuse any future acts of Code or rule violations. There does not appear to have been duress with respect to Ms. Johnson in that the agreement with her took place prior to being approved to become a participant in the Contract Release Program. The activity of seeking informant information in special circumstances is essentially no different than that which takes place in many plea bargaining circumstances. The fact that the Superintendent made requests for additional assistance from the Bureau of Criminal Investigation and the Office of the Citizens' Aide would indicate there was no desire to conceal matters which may have been detrimental to the Superintendent or the institution. To the contrary, it was a sincere effort to reach accurate and timely conclusions regarding whatever inappropriate actions may have been taking place on the part of residents or staff in the various programs.

Finally, the President of the Community College and the appropriate authorities of the Veterans Administration have been apprised of Mr. Pringle's involvement in this matter. At this time, we have not been advised of the action taken on the part of those persons who are responsible for his employment.

Thank you for the opportunity to respond to the recommendations in this report. The cooperation and assistance of your agency in all matters of mutual concern is greatly appreciated.

Sincerely,


Kevin J. Burns
Commissioner

END