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JUN 19 1987

REPORT TO

THE GOVERNOR OF IOWA

AND

THE SEVENTY-SECOND GENERAL ASSEMBLY

BY THE IOWA CITIZENS' AIDE/OMBUDSMAN



1986 ANNUAL REPORT

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STATE OF IOWA

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CAPITOL COMPLEX
DES MOINES, IOWA 50319
(515) 281-3592



WILLIAM P. ANGRICK II
CITIZENS' AIDE / OMBUDSMAN

In reply, please refer to:

April 1, 1987

I am pleased to present the annual report of the office of Citizens' Aide/Ombudsman for calendar year 1986.

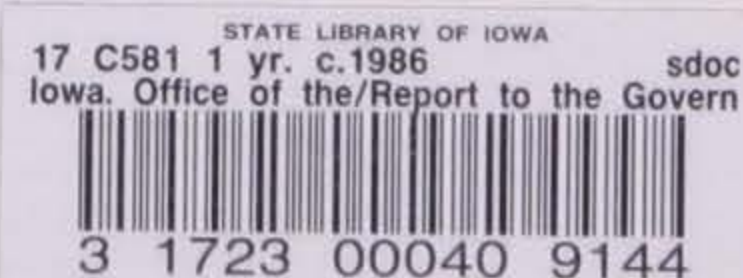
The preceding year was an extremely busy one for the Ombudsman staff. We entertained 5,231 contacts, the largest number in the history of the office. Citizens were served from every county in Iowa.

It continues to be my pleasure to work with a staff of dedicated employees who sincerely care about helping their fellow Iowans. Thank you for the opportunity to share our accomplishments with you.

Sincerely,

William P. Angrick II
Citizens' Aide/Ombudsman

WPA:jg





OFFICE OF THE ATTORNEY GENERAL
DES MOINES, IOWA

STATE OF IOWA
DEPARTMENT OF REVENUE

April 1, 1911

Dear Sir: Please to present the report of the State of Iowa
for the calendar year 1910.

The preceding year was an unusual one for the State of Iowa
and it is believed that the report will be of interest to you.

It is desired to be as complete as possible in the report
and it is hoped that you will be able to assist in this
respect by your own observations.

Sincerely,
Attorney General

William F. Springer
Attorney General

Very truly,
Yours,
W. F. Springer

ANNUAL REPORT NARRATIVE

During calendar year 1986 the office of Citizens' Aide/Ombudsman received 5,231 contacts from individuals with complaints or requests for information. These contacts were received from each of the 99 Iowa counties and 34 other states including the District of Columbia and U.S. territories, commonwealths, and possessions. A map illustrating the geographic distribution of the contacts originating from Iowa is appended.

These contacts demonstrate a consistent and marked increase of complaints or requests brought to the office of Citizens' Aide/Ombudsman since the early years of the existence of the office. For comparative purposes a table of the number of annual contacts since 1971 is presented.

CITIZENS' AIDE/OMBUDSMAN TOTAL CONTACTS

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

Individuals may contact the office in any mode they find comfortable and convenient: by telephone, mail or in person. In order to facilitate contact with the office an Iowa In-WATS line was installed in 1985. Not only has this 800 number helped to make the office more available to citizens throughout the state, it has also been less costly to operate than the previous policy to accept in-state collect calls. Flexibility is sought and there are no required forms to complete. However, complaints may be requested in writing when the issues are unusually complicated or sensitive. During 1986 contacts were initiated with the office in the following proportions:

<u>Source</u>	<u>Total</u>	<u>Percent</u>
Telephone	4,202	80%
Mail	424	8%
Office Visit	154	3%
Institutional Visit	427	8%
Site Visit	1	less than 1%
Self-Initiated	<u>14</u>	less than <u>1%</u>
	5,231	99%*

*% not equal to 100% due to rounding

Contacts are received and investigated by individual staff members who, on a daily rotation basis, intake and are responsible for working the case to completion. Contacts from inmates of the Iowa correctional system are routinely assigned to the statutorily mandated Assistant for Corrections and other staff members who have been assigned specific institutions. Staff responsible for correctional complaints regularly travel to the institutions in order to receive, investigate, and resolve those complaints.

If the problem is jurisdictional and requires inquiry by the Ombudsman, arrangements are made to secure the necessary documentation, identify the relevant officials and review the appropriate law, rule or regulation. Cases are routinely worked by telephone or mail, and less frequently by site investigation.

If the Citizens' Aide/Ombudsman cannot help the individual, an immediate and accurate referral is made. Many times the person needs to be put in contact with the agency or official having jurisdiction to review and resolve the matter, such as the Attorney General's Consumer Protection Division or the Insurance Division of the Iowa Commerce Commission.

In 1986, approximately 34 percent of the 2,384 jurisdictional complaints investigated were found to be justified or partially justified; 31 percent not justified; and 35 percent were either withdrawn or there was no basis to evaluate the merits of the complaint.

Of the 5,231 contacts received in 1986, 99 percent were completed and closed during that year. Sixty-four cases remained open and under investigation into 1987.

The length of time a contact remained open -- that is, until the complaint was evaluated as justified or not justified, and if determined to be justified, an equitable resolution achieved, the information located and provided, or an appropriate referral made -- varied considerably. Statistics demonstrate that 96 percent of the contacts were completed in 60 days or less. The average length of time that a contact remained open during 1986 was 6¼ days.

<u>Days Open</u>	<u>Number of Contacts</u>	<u>Percent</u>
10 days or less	4,564	87%
11 - 30 days	381	7%
31 - 60 days	117	2%
61 - 90 days	50	1%
91 - 140 days	35	less than 1%
141 - 180 days	13	less than 1%
181 days or more	7	less than 1%
Remained open into 1987	<u>64</u>	<u>1%</u>
	5,231	101%*

*% not equal to 100% due to rounding

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

The greater proportion of contacts tend to involve those agencies and levels of government most directly involved in providing services to or regulating or controlling behavior of large numbers of citizens. Approximately 22.5 percent of the 1986 contacts dealt with divisions, institutions, or programs of the Department of Corrections. Lesser numbers involved the Department of

Transportation (5.8%); the Department of Human Services (4.4%); the Department of Employment Services, including the Divisions of Job Services, Labor Services and Industrial Services (3.0%); and the Department of Revenue and Finance (1.4%). Municipal and county governments each accounted for approximately five percent of the 1986 contacts and less than one percent pertained to schools and school districts. A complete listing of the agencies, levels of government, and other problem areas about which the Ombudsman received contacts during 1986 is appended.

The Citizens' Aide/Ombudsman has statutory authority to issue reports regarding governmental officers and agencies. These reports may be either critical or special in nature. A special report details investigative findings that are not critical of an officer, agency or department yet involves matters sufficiently important or which have generated public attention to the degree that the Ombudsman believes a public statement is necessary. In 1986 the office of Citizens' Aide/Ombudsman released two special reports:

86-1, Probe of the Inmate Uprising in Cellhouse 319 at the Iowa State Penitentiary on January 6, 1986.

86-2, Investigation of Complaints Against the Job Service Division, Department of Employment Services, Waterloo District.

Copies of the reports are available upon request.

BUDGET

The office of Citizens' Aide/Ombudsman employs six professional (including the director) and two clerical staff.

During Fiscal Year 1985-86 the state appropriation plus cost-of-living salary adjustment was \$251,792. In Fiscal Year 1986-87 the agency will be operating on a budget of approximately \$280,692.

STAFF

William P. Angrick II

Citizens' Aide/Ombudsman

Ruth L. Mosher

Deputy Citizens' Aide/Ombudsman

- special assignment to Iowa
Correctional Institution for
Women

Susan E. Voss

Legal Analyst

Clarence Key, Jr.

Assistant for Corrections

Randy A. Meline

Assistant II - special assign-
ments to Iowa Men's Reform-
atory, Iowa Medical and
Classification Center and
North Central Correctional
Facility

James Peterson

Assistant I

Patricia Nett

CA/O Secretary

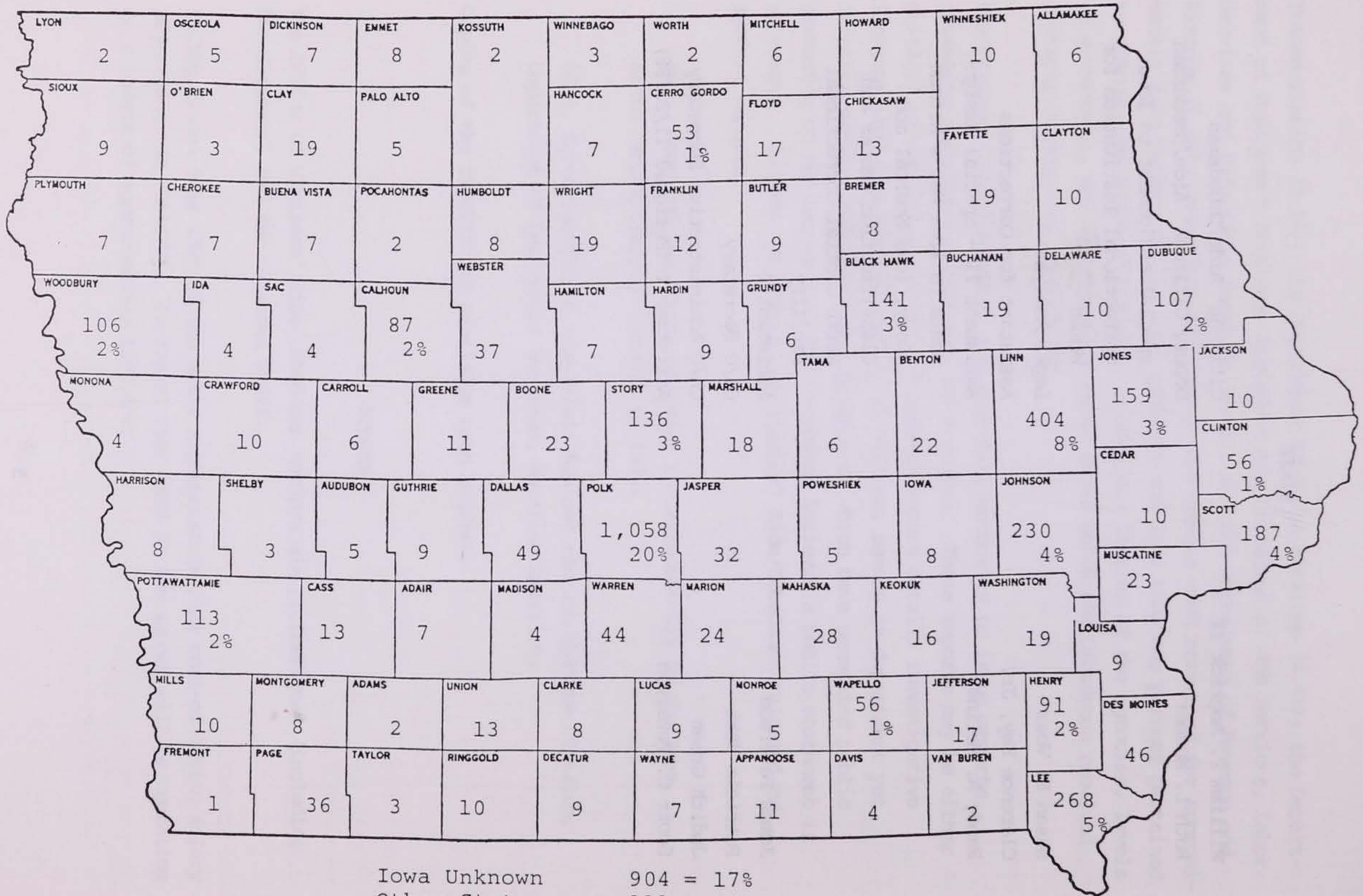
Judith Green

CA/O Administrative Secretary

Scott C. Peterson

Assistant I (Resigned 11/20/86)

1986 Contacts by County



Iowa Unknown 904 = 17%
 Other States 111 = 2%

For Counties reflecting contact count without % figure the % was less than 1%.

1986

CITIZENS' AIDE/OMBUDSMAN

CONTACT STATISTICS

	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
Iowa Law & Government, general	486	9.3%
- Bill Status	(290)	(5.5%)
- Financial Aid	(25)	(0.5%)
Governor*	20	0.4%
General Assembly*	38	0.7%
Judiciary*	38	0.7%
Secretary of State	43	0.8%
Auditor	4	0.0%
Attorney General	77	1.5%
Treasurer	14	0.3%
Secretary of Agriculture & Department of Agriculture & Land Stewardship	43	0.8%
Civil Rights Commission	28	0.5%
Citizens' Aide/Ombudsman	33	0.6%
Commerce, Department of	119	2.3%
- Alcoholic Beverage Division	(7)	(0.1%)
- Banking Division	(6)	(0.1%)
- Credit Union Division	(1)	(0.0%)
- Insurance Division	(66)	(1.3%)
- Professional Licensing & Regulation Division	(5)	(0.0%)
- Racing & Gaming Division	(2)	(0.0%)
- Utilities Division	(12)	(0.2%)

*Non-jurisdictional to Citizens' Aide/Ombudsman -- includes referrals and informational requests.

	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
Corrections, Department of	1,175	22.5%
- Community Services Division	(122)	(2.3%)
-- Community Based Corrections	((60))	((1.1%))
-- Parole and Probation	((14))	((0.3%))
-- Work Release	((40))	((0.8%))
- Institutional Division	(1,030)	(19.7%)
-- Iowa Men's Reformatory (Anamosa)	((196))	((3.7%))
-- Correctional Treatment Unit (Clarinda)	((32))	((0.6%))
-- Iowa State Penitentiary (Fort Madison)	((265))	((5.1%))
-- Iowa Correctional Institution for Women (Mitchellville)	((301))	((5.8%))
-- Medium Security Unit (Mount Pleasant)	((86))	((1.6%))
-- Riverview Release Center (Newton)	((8))	((0.2%))
-- Iowa Medical & Classification Center (Oakdale)	((67))	((1.3%))
-- North Central Correctional Facility (Rockwell City)	((70))	((1.3%))
Board of Parole	43	0.8%
Cultural Affairs, Department of	4	0.0%
Economic Development, Department of	83	1.6%
Education, Department of	24	0.5%
- Area Education Agencies	(4)	(0.0%)
- Community Colleges & Vocational Schools	(6)	(0.1%)
- Vocational Rehabilitation	(7)	(0.1%)
- College Aid Commission	(7)	(0.1%)
Elder Affairs, Department of	18	0.3%
- Long Term Care Ombudsman	(14)	(0.3%)
Employment Services, Department of	158	3.0%
- Industrial Services Division	(14)	(0.3%)
- Job Services Division	(102)	(1.5%)
- Labor Services Division	(42)	(0.8%)
General Services, Department of	27	0.5%
Human Rights, Department of	7	0.1%
Human Services, Department of	232	4.4%
- Community Services Division	77	(1.5%)
- Iowa Veteran's Home (Marshalltown)	1	(0.0%)

	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
- Mental Health, Mental Retardation, & Developmental Disabilities Division	(11)	(0.2%)
-- Cherokee Mental Health Institute	(1)	((0.0%))
-- Clarinda Mental Health Institute	(3)	((0.0%))
-- Independence Mental Health Institute	(1)	((0.0%))
-- Glenwood State Hospital-School	(1)	((0.0%))
- Social Services Division	(125)	(2.4%)
-- Economic Assistance	(64)	((1.2%))
-- Medical Services	(21)	((0.4%))
-- Adult, Children and Family Services	(30)	((0.6%))
-- Juvenile Home, Toledo	(1)	((0.0%))
Inspections and Appeals, Department of	6	0.1%
- State Appellate Defender	3	(0.0%)
Management, Department of	10	0.2%
Natural Resources, Department of	75	1.4%
- Energy & Geological Resources Division	(4)	(0.0%)
- Environmental Protection Division	(33)	(0.6%)
- Fish & Wildlife, Forest & Forestry, and Parks, Recreation & Preserves Divisions	(38)	(0.7%)
Personnel, Department of	25	0.5%
- Employment Operations Division	(11)	(0.2%)
- Iowa Public Employees Retirement System	(15)	(0.3%)
- Public Employment Relations Board	(2)	(0.0%)
Public Defense, Department of	9	0.2%
- Disaster Services Division	(2)	(0.0%)
- Military Division	(4)	(0.0%)
- Veterans Affairs Division	(3)	(0.0%)
Public Health, Department of	66	1.3%
- Substance Abuse Division	(3)	(0.0%)
Professional Regulatory & Licensing Boards	27	0.5%
- State Board of Accountancy	(1)	(0.0%)
- Engineering Examiners Board	(2)	(0.0%)
- Cosmetology Examiners	(5)	(0.1%)
- Dental Examiners	(1)	(0.0%)
- Mortuary Sciences Examiners Board	(3)	(0.0%)
- Medical Examiners	(8)	(0.2%)
- Nursing Home Administration Examiners	(1)	(0.0%)
- Optometry Examiners	(1)	(0.0%)
- Hearing Aid Dealers Examiners	(1)	(0.0%)

	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
Public Safety, Department of	32	0.6%
- State Patrol	(16)	(0.3%)
- Fire Marshal	(4)	(0.0%)
- Division of Criminal Investigation	(1)	(0.0%)
- Capitol Security Division	(1)	(0.0%)
- Crime Victim Reparation Program	(10)	(0.2%)
Regents, Board of	15	0.3%
- University of Iowa	(6)	(0.1%)
- University of Iowa Hospitals	(4)	(0.0%)
- Iowa State University	(4)	(0.0%)
- Iowa Braille & Sight Saving School	(1)	(0.0%)
Revenue & Finance, Department of	73	1.4%
- Income Tax Division	(45)	(0.9%)
- Property Tax Division	(4)	(0.0%)
Transportation, Department of	302	5.8%
- Highway Division	(43)	(0.8%)
- Motor Vehicle Division	(240)	(4.6%)
Municipal Government	267	5.1%
- Mayor/Manager/Council/Clerk	(49)	(0.9%)
- Public Works	(19)	(0.4%)
- Police	(78)	(1.5%)
- City Assessor	(3)	(0.0%)
- Municipal Utilities	(17)	(0.3%)
- Parks/Recreation	(2)	(0.0%)
- Planning, Housing and Urban Development	(24)	(0.5%)
- City Attorney	(7)	(0.1%)
Metropolitan Entities, Regional Governments	1	0.0%
Schools and School Districts	31	0.6%
County Government	252	4.8%
- Board of Supervisors	(7)	(0.1%)
- Recorder	(2)	(0.0%)
- Sheriff/Jail	(103)	(2.0%)
- Engineer	(7)	(0.1%)
- Auditor	(2)	(0.0%)
- County Conservation Commission	(1)	(0.0%)
- Clerk of Court	(12)	(0.2%)
- General Relief	(3)	(0.0%)
- County Attorney	(29)	(0.6%)
- Weed Commissioner	(2)	(0.0%)
- Treasurer	(17)	(0.3%)

	TOTAL NUMBER OF CONTACTS	PERCENT OF TOTAL CONTACTS
County Government - continued		
- Treasurer	(17)	(0.3%)
- Trustees	(2)	(0.0%)
- Assessor, Conference Board, Board of Review	(17)	(0.3%)
- Zoning	(4)	(0.0%)
Non-jurisdictional		
- Federal Government	(168)	(3.2%)
- States other than Iowa	(31)	(0.6%)
- United Nations	(1)	(0.0%)
Miscellaneous, non-jurisdictional problems		
- Consumer	(342)	(6.5%)
- Employee-Employer	(145)	(2.8%)
- Financial Institution	(62)	(1.2%)
- Insurance	(106)	(2.0%)
- Landlord-Tenant	(98)	(1.9%)
- Legal	(390)	(7.5%)
- Nursing Home	(14)	(0.3%)
- Utility Complaints	(71)	(1.4%)
- Medical Complaints	(39)	(0.7%)
	5,586*	

*Total greater than 5,231 because some contacts deal with more than one agency, office, or level of government.

CHAPTER 601G

CITIZENS' AIDE

- | | | | |
|---------|--|---------|---|
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| 601G.2 | Office established. | 601G.14 | Institutionalized complainants. |
| 601G.3 | Appointment — vacancy. | 601G.15 | Reports critical of agency or officer. |
| 601G.4 | Citizen of United States and resident of Iowa. | 601G.16 | Recommendations to agency. |
| 601G.5 | Term — removal. | 601G.17 | Publication of conclusions. |
| 601G.6 | Deputy — assistant for penal agencies. | 601G.18 | Report to general assembly. |
| 601G.7 | Prohibited activities. | 601G.19 | Disciplinary action recommended. |
| 601G.8 | Closed files. | 601G.20 | Immunities. |
| 601G.9 | Powers. | 601G.21 | Witnesses. |
| 601G.10 | No charge for services. | 601G.22 | Penalties. |
| 601G.11 | Subjects for investigations. | 601G.23 | Citation. |
| 601G.12 | Complaints investigated. | | |

601G.1 Definitions.

As used in this chapter:

1. "Person" means an individual, aggregate of individuals, corporation, partnership, or unincorporated association.

2. "Agency" means all governmental entities, departments, boards, commissions, councils or institutions, and any officer, employee or member thereof acting or purporting to act in the exercise of official duties, but it does not include:

- a. Any court or judge or appurtenant judicial staff.
- b. The members, committees, or permanent or temporary staffs of the Iowa general assembly.
- c. The governor of Iowa or the governor's personal staff.

d. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.

3. "Officer" means any officer of an agency.

4. "Employee" means any employee of an agency.

5. "Administrative action" means any policy or action taken by an agency or failure to act pursuant to law.

[C73, 75, 77, 79, 81, §601G.1]

601G.2 Office established.

The office of citizens' aide is established.

[C73, 75, 77, 79, 81, §601G.2]

601G.3 Appointment — vacancy.

The citizens' aide shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appointment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation.

The citizens' aide shall employ and supervise all employees under the citizens' aide's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of the citizens' aide.

[C73, 75, 77, 79, 81, §601G.3]

601G.4 Citizen of United States and resident of Iowa.

The citizens' aide shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration and public policy.

[C73, 75, 77, 79, 81, §601G.4]

601G.5 Term — removal.

The citizens' aide shall hold office for four years from the first day in July of the year of approval by the senate and the house of representatives, and until a successor is appointed by the legislative council, unless the citizens' aide can no longer perform the official duties, or is removed from office. The citizens' aide may at any time be removed from office by constitutional majority vote of the two houses of the general assembly or as provided by chapter 66. If a vacancy occurs in the office of citizens' aide, the deputy citizens' aide shall act as citizens' aide until the vacancy is filled by the legislative council.

[C73, 75, 77, 79, 81, §601G.5]

601G.6 Deputy — assistant for penal agencies.

The citizens' aide shall designate one of the members of the staff as the deputy citizens' aide, with authority to act as citizens' aide when the citizens' aide is absent from the state or becomes disabled. The citizens' aide may delegate to members of the staff any of the citizens' aide's authority or duties except the duty of formally making recommendations to agencies or reports to the governor or the general assembly.

The citizens' aide shall appoint an assistant who shall be primarily responsible for investigating complaints relating to penal or correctional agencies.

[C73, 75, 77, 79, 81, §601G.6]

84 Acts, ch 1046, §1

601G.7 Prohibited activities.

Neither the citizens' aide nor any member of the staff shall:

1. Hold another public office of trust or profit under the laws of this state other than the office of notary public.

2. Engage in other employment for remuneration with an agency against which a complaint may be filed under this chapter or that could create a conflict of interest or interfere in the performance of the person's duties under this chapter.

3. Knowingly engage in or maintain any business transactions with persons employed by agencies against whom complaints may be made under the provisions of this chapter.

4. Be actively involved in partisan affairs.

[C73, 75, 77, 79, 81, §601G.7]

84 Acts, ch 1046, §2

601G.8 Closed files.

The citizens' aide may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before the citizens' aide, except that the general assembly, any standing committee of the general assembly or the governor may require disclosure of any matter and shall have complete access to the records and files of the citizens' aide. The citizens' aide may conduct private hearings.

[C73, 75, 77, 79, 81, §601G.8]

601G.9 Powers.

The citizens' aide may:

1. Investigate, on complaint or on the citizens' aide's own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that the citizens' aide shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency. A communication or receipt of information made pursuant to the powers prescribed in this chapter shall not be considered an ex parte communication as described in the provisions of section 17A.17.

2. Prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, determine the form, frequency, and distribution of the conclusions and recommendations of the citizens' aide.

3. Request and receive from each agency assistance and information as necessary in the performance of the duties of the office. The citizens' aide may examine the records and documents of any agency unless its custodian demonstrates that the examination would violate federal law or result in the denial of federal funds to the agency. If the document sought is required by law to be kept confidential, the agency may refuse access until the citizens' aide demonstrates that the document is relevant or material to an investigation authorized under subsection 1. If the citizens' aide is provided access to the confidential document, the citizens' aide is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the agency. The citizens' aide may enter and inspect premises within any agency's control.

4. Issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry. The citizens' aide, deputies, and assistants of the citizens' aide may administer oaths to persons giving tes-

timony before them. If a witness either fails or refuses to obey a subpoena issued by the citizens' aide, the citizens' aide may petition the district court having jurisdiction for an order directing obedience to the subpoena. If the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey the court order is subject to punishment for contempt.

[C73, 75, 77, 79, 81, §601G.9; 82 Acts, ch 1026, §1]

601G.10 No charge for services.

No monetary or other charge shall be levied upon any person as a prerequisite to presentation of a complaint to the citizens' aide.

[C73, 75, 77, 79, 81, §601G.10]

601G.11 Subjects for investigations.

An appropriate subject for investigation by the office of the citizens' aide is an administrative action that might be:

1. Contrary to law or regulation.

2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.

3. Based on a mistake of law or arbitrary in ascertainties of fact.

4. Based on improper motivation or irrelevant consideration.

5. Unaccompanied by an adequate statement of reasons. The citizens' aide may also be concerned with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

[C73, 75, 77, 79, 81, §601G.11]

601G.12 Complaints investigated.

The citizens' aide may receive a complaint from any source concerning an administrative action. The citizens' aide shall conduct a suitable investigation into the administrative actions complained of unless the citizens' aide finds substantiating facts that:

1. The complainant has available another remedy or channel of complaint which the complainant could reasonably be expected to use.

2. The grievance pertains to a matter outside the citizens' aide power.

3. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.

4. The complaint is trivial, frivolous, vexatious, or not made in good faith.

5. Other complaints are more worthy of attention.

6. The citizens' aide resources are insufficient for adequate investigation.

7. The complaint has been delayed too long to justify present examination of its merit.

The citizens' aide may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time.

[C73, 75, 77, 79, 81, §601G.12]

601G.13 No investigation — notice to complainant.

If the citizens' aide decides not to investigate, the complainant shall be informed of the reasons for the decision. If the citizens' aide decides to investigate, the complainant and the agency shall be notified of the decision. After completing consideration of a com-

plaint, whether or not it has been investigated, the citizens' aide shall without delay inform the complainant of the fact, and if appropriate, shall inform the administrative agency involved. The citizens' aide shall on request of the complainant, and as appropriate, report the status of the investigation to the complainant.

[C73, 75, 77, 79, 81, §601G.13; 82 Acts, ch 1026, §2]

601G.14 Institutionalized complainants.

A letter to the citizens' aide from a person in a correctional institution, a hospital, or other institution under the control of an administrative agency shall be immediately forwarded, unopened to the citizens' aide by the institution where the writer of the letter is a resident. A letter from the citizens' aide to such a person shall be immediately delivered, unopened to the person.

[C73, 75, 77, 79, 81, §601G.14]

601G.15 Reports critical of agency or officer.

Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the citizens' aide shall consult with that agency, officer or employee, and shall attach to every report sent or made under the provisions of this chapter a copy of any unedited comments made by or on behalf of the officer, employee, or agency.

[C73, 75, 77, 79, 81, §601G.15]

601G.16 Recommendations to agency.

If, having considered a complaint and whatever material the citizens' aide deems pertinent, the citizens' aide finds substantiating facts that:

1. A matter should be further considered by the agency;
2. An administrative action should be modified or canceled;
3. A rule on which an administrative action is based should be altered;
4. Reasons should be given for an administrative action; or
5. Any other action should be taken by the agency, the citizens' aide shall state the recommendations to the agency. If the citizens' aide requests, the agency shall, within twenty working days notify the citizens' aide of any action taken on the recommendations or the reasons for not complying with them.

If the citizens' aide believes that an administrative action has occurred because of laws of which results are unfair or otherwise objectionable, the citizens' aide shall notify the general assembly concerning desirable statutory change.

[C73, 75, 77, 79, 81, §601G.16]

601G.17 Publication of conclusions.

The citizens' aide may publish the conclusions, recommendations, and suggestions and transmit them to the governor, the general assembly or any of its committees. When publishing an opinion adverse to an administrative agency or official the citizens' aide shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media or others who may be concerned.

[C73, 75, 77, 79, 81, §601G.17]

601G.18 Report to general assembly.

The citizens' aide shall by April 1 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the citizens' aide functions during the preceding calendar year. In discussing matters with which the citizens' aide has been concerned, the citizens' aide shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

[C73, 75, 77, 79, 81, §601G.18; 82 Acts, ch 1026, §3]

601G.19 Disciplinary action recommended.

If the citizens' aide believes that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, the citizens' aide shall refer the matter to the appropriate authorities.

[C73, 75, 77, 79, 81, §601G.19]

601G.20 Immunities.

No civil action, except removal from office as provided in chapter 66, or proceeding shall be commenced against the citizens' aide or any member of the staff for any act or omission performed pursuant to the provisions of this chapter unless the act or omission is actuated by malice or is grossly negligent, nor shall the citizens' aide or any member of the staff be compelled to testify in any court with respect to any matter involving the exercise of the citizens' aide's official duties except as may be necessary to enforce the provisions of this chapter.

[C73, 75, 77, 79, 81, §601G.20]

601G.21 Witnesses.

A person required by the citizens' aide to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, provides oral or documentary information requested by the citizens' aide shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned.

[C73, 75, 77, 79, 81, §601G.21]

601G.22 Penalties.

A person who willfully obstructs or hinders the lawful actions of the citizens' aide or the citizens' aide's staff, or who willfully misleads or attempts to mislead the citizens' aide in the citizens' aide's inquiries, shall be guilty of a simple misdemeanor.

[C73, 75, 77, 79, 81, §601G.22]

601G.23 Citation.

This chapter shall be known and may be cited as the "Iowa Citizens' Aide Act".

[C73, 75, 77, 79, 81, §601G.23]

