# OMBUDSMAN'S REPORT

## 2002

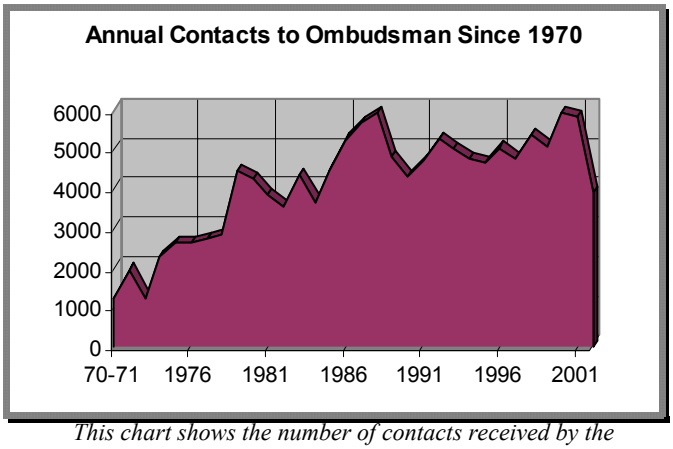
*Annual report of the Iowa Citizens' Aide/Ombudsman*

*April 2003*

## Message from the Ombudsman (by Bill Angrick)

The year 2002 presented significant challenges for the Ombudsman. It was a year of budget cuts for Iowa government and the Ombudsman Office was no exception. The Legislature imposed cuts of 2.6 and 4.3 percent on itself and its agencies during fiscal year 2002. The fact that these reductions took place well into the fiscal year contributed to their programmatic impact. The Ombudsman, as part of the Legislative Branch, also took 40 hours of furlough per employee during the year. These budget cuts and furloughs impacted the way we were able to conduct our work and the time it took to get it accomplished.

Fortunately 2002 was a year during which the Ombudsman received significantly less complaints and requests for assistance than in previous years. Otherwise we would not have been able to handle the work we did. The number of contacts my office received during 2002 was 3,887, down 1,913 from the year before. This reduction of approximately 33% allowed us to complete previously initiated investigations (including two major reports), fulfill our commitment to Public Records and Open Meetings issues and steward the relocation of the Court Appointed Special Advocate program from the Judicial Branch to a newly created home in the Executive Branch.




*This chart shows the number of contacts received by the Ombudsman's Office for each year from 1970 through 2002*

I believe the most significant contribution to the overall reduction in the number of contacts received by the office during 2002 was my decision to stop accepting toll-free telephone calls from inmates in Iowa's prisons. Over the past several years corrections related complaints accounted for an annually increasing proportion of our work, from 30.7% in 1999, to 35.3% in 2000 and 36.6% in 2001. In 2002 the Ombudsman received 1,496 less corrections contacts than in 2001 which was a decrease of 71%. I do not believe this means there are fewer corrections complaints – just that they are not coming to the Ombudsman because it is more difficult and costly for inmates to directly reach my office.

While I wish we could receive and respond to each and every complaint, in the real world of reduced resources my staff and I must prioritize. Corrections related complaints were placing a disproportionate demand upon our ability to respond to many other important issues and problems.

With a reduction in overall new casework my staff and I were able to complete an investigation on how a young man was unsuccessfully transitioned from Iowa's foster care system into adult services. Reggie Kelsey was found dead in the Des Moines River. At the time credible complaints were voiced about how the Department of Human Services (DHS) had not adequately prepared him to age out of the juvenile foster care system. The Ombudsman's investigation identified three critical failures in DHS's handling of Reggie's case and made 18 recommendations for the department to improve its rules, policies and practices.

In August 2002 I released a report about a high speed law enforcement pursuit in Tama County which ended when the vehicle being pursued struck a utility pole, caught fire and three of the four

teenagers in the stolen car died. While my office found that the pursuing officers conducted themselves reasonably, there were some technical violations of city and county departmental policies, and I made several recommendations for policy clarification and improvement.

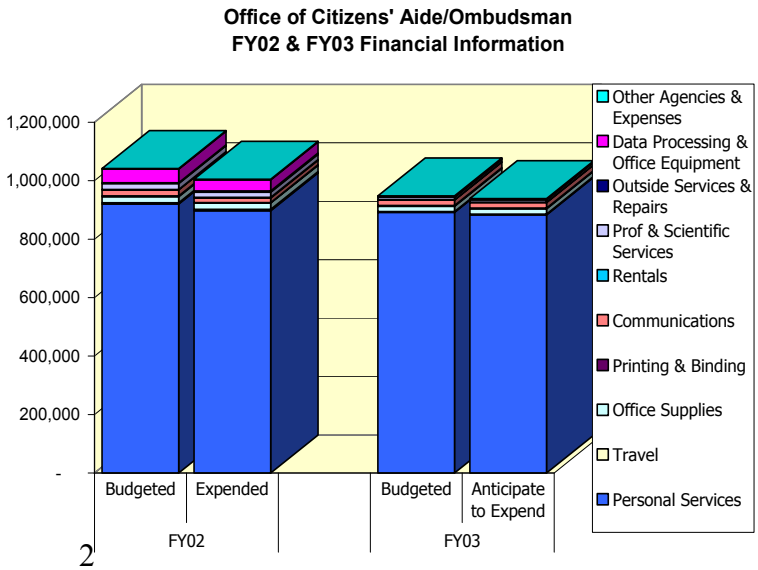
In 2000 12 daily newspapers and one weekly newspaper completed an audit of state and local compliance with Iowa's Public Records Law. Many failings were noted in newspaper articles stemming from this project. The Legislative Council of the Iowa General Assembly responded favorably to my suggestion that the Ombudsman could do more about public records, open meetings and privacy issues facing Iowans. In July 2001 I was able to hire a new staff assistant to field complaints and inquiries about these issues. I selected Robert Anderson, a former award winning journalist and a staff assistant on the University Of Missouri's Freedom of Information Center to be Iowa's first public records, open meetings and privacy (PROMP) assistant ombudsman. Robert immediately undertook his responsibilities with vigor and creativity. We approached the task as one through which education and training would be just as important as investigation and criticism. Robert worked cooperatively with staff from the Attorney General's office, which began publishing its Sunshine Advisories as a way to address this policy challenge. He also worked closely with Iowa's Freedom of Information Council and other offices and associations. We were making presentations about public records and open meetings issues to various audiences on a regular basis. And we were fielding complaints and information requests almost daily.

What many people did not realize is that Robert performed most of this work after receiving the tragic news that he was terminally ill. He worked until June 2002, when his illness made it impossible for him to continue. Robert died in November 2002. But the work he began continues today, performed by his ombudsman staff colleagues, as part of our shared and general responsibilities.

Late in 2001, as Iowa state government reduced expenditures, the Judicial Branch decided to end the Court Appointed Special Advocate (CASA) program in which paid staff and volunteers fulfilled an important legal and social need by advocating for children in the court system. Legislative leadership responded to the outcry to save this program and on a temporary basis placed CASA within the legislative branch appended to the Ombudsman Office. So in a short period of weeks the budget we were responsible to manage and the staff I managed more than doubled. Plus we had several hundred volunteers to coordinate. Fortunately the CASA staff and the administrative staff of the Ombudsman worked together well and for an intense six-month period, until the General Assembly created a new Child Advocacy Board merging the Foster Care Review and Court Appointed Special Advocate functions in July 2002, we were essentially responsible for management of two programs.

If ever in the history of the Ombudsman office we needed to have a reprieve from what has been a consistent increase in the number of complaints and requests, 2002 was a year for it to occur.

*Although not required until July 1, 2003, the financial information is included here to meet the requirement that state government annual reports made to the General Assembly include certain financial information.*



# *IN THIS YEAR'S REPORT...*



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LAURA HEEMSTRA, SECRETARY RECEPTIONIST
[ROBERT ANDERSON, ASSISTANT FOR PUBLIC RECORDS, AND
MAUREEN LEE, ASSISTANT, RESIGNED IN 2002]


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

- **Vern Armstrong**, Chief, Bureau of Protective Services, Department of Human Services ─ for positive and constructive responses to our recommendations for changes in law, policy and practice, as a result of our investigation into the Reggie Kelsey case.

- **Randy Cross**, Chief, Polk County Jail ─ for being a fair, responsible and responsive jail administrator.

- **Kip Kautzky**, former director of the Department of Corrections ─ for making improvement of mental health services a priority for the department.

- **Chris Scase**, Assistant Attorney General ─ for being a valuable resource on issues involving public records and open meetings.

- **City of Seymour ─** for proactively informing citizens of their right to complain to the Ombudsman's Office (including toll-free number) through a notice on the agendas of city council meetings.

- **Curtis Younker**, Mitchell County Sheriff ─ for his prompt, thorough and proactive response to a unique complaint about soap at the county jail.

# Investigative Reports

### Investigation into the Transitioning of Reggie Kelsey Out of Iowa's Foster Care System

The Iowa Department of Human Services did not take appropriate steps in helping Reggie Kelsey in the months before he died, according to a report released last year by State Ombudsman Bill Angrick.

Kelsey, who turned eighteen on February 14, 2001, was found dead in the Des Moines River on May 28, 2001. An autopsy found he died by drowning and reported the manner of death as suicide.

The Department of Human Services (DHS) was responsible for providing foster care services to Kelsey. In providing those services, DHS was responsible for preparing Kelsey for independence or adult services.

Kelsey's death raised questions about whether DHS acted appropriately in transitioning him out of foster care and into adulthood. Based on his office's investigation, Angrick concluded there were three critical failures in DHS's handling of Kelsey's case:

1. Moving Kelsey from a group home to his own apartment one month before his 18th birthday, to help prepare him for independent living.

   The report states, "DHS made the move before assessing all available information regarding Reggie's ability to live independently, as required by DHS rule. A review of that information, all of which was available to DHS at the time, clearly indicates Reggie was not ready for independent living."

   The report adds, "Reggie's foster care worker overestimated Reggie's ability to live independently and, as a result, did not adequately plan for his possible, even likely, failure."

2. The decision not to refer Kelsey's case to the Polk County Transition Committee, which could have helped plan his transition out of foster care.

   The report states, "Had [Reggie's foster care worker] engaged the Transition Committee … its members could have assisted her in (1) developing an adequate back-up plan should Reggie fail independent living, (2) making the referral to the Polk County DHS Adult and Family Services Unit, (3) identifying particular adult services Reggie could utilize while in voluntary foster care, (4) collecting information and diagnoses necessary to establish eligibility for adult services, (5) making referrals for residential placement and other services, (6) exploring the possibility of developing an individualized treatment/service plan, and (7) exploring the possibility of establishing legal guardianship."

3. The decision not to refer Kelsey's case to the Polk County DHS Adult and Family Services Unit until after he failed in independent living.

   "Waiting until Reggie failed independent living meant Reggie had no place to go, other than shelters," the report states. "Waiting cost Reggie and the Adult and Family Services Unit valuable time in planning and preparing for needed services."

The report includes 18 recommendations for DHS to revise its current rules, policies and practices to ensure "that all decisions to place children in independent living receive a substantive supervisory review prior to placement."

Kelsey's foster care worker submitted a written response to the report. She describes Kelsey's death as "an indictment upon the inability of our community" to help children in need. "The unfortunate reality is that our community does not embrace our children in foster care," She continued. "The Department does not make a good parent, however each Child Protective Worker provides what the system allows along with a part of themselves."

While she voices support for the Ombudsman's recommendations, the foster care worker added that they will not be enough. "If the State of Iowa is unable to make greater resources available for the care, education, development and nurturing of children, Child Protective Workers will only be able to give their best efforts and future tragedies will occur."

In a separate response, the DHS Interim Director said, "We agree with the Ombudsman's findings that DHS should have done a better job in planning for and helping with Reggie's transition from the child welfare system."

The Interim Director's, Sally Titus Cunningham, response said DHS also agrees with the Ombudsman's 18 recommendations "in principle." She stated that DHS has already taken several steps, following Kelsey's death, "to strengthen transition planning for all children exiting foster care to adult services or independence."

She also said the Ombudsman's report "is not complete" because it focuses primarily on DHS and not on other agencies also involved in transitioning youth out of foster care, including local school districts and Area Education Agencies. "We are in no way implying that other agencies did not perform their duties to the best of their abilities," she wrote, "merely questioning why this report focuses only on DHS."

In the Ombudsman's written comment to the DHS reply, Angrick reiterated that the report focused on three significant decisions affecting Kelsey's transition from foster care, all of which where made by DHS. Angrick noted he reviewed the roles of other public entities -- the Des Moines Public Schools, Heartland Area Education Agency 11, and Polk County -- but did not identify any decisions, actions or inactions by these entities that merited criticism.

Angrick urged that "our State should strive towards the goal of 'not one child lost.'"

The Ombudsman's investigation was requested by three members of the Iowa House of Representatives, who asked for a review of DHS' handling of Kelsey's case and also to examine Iowa's overall system for transitioning youth out of foster care. The investigation was based on interviews of 36 people and a review of several hundred documents and reports. The complete report with replies is available on the Internet at
http://www4.legis.state.ia.us/cao/Reports/reports.htm

## Ombudsman Investigates Tama County High-Speed Chase

Law officers generally acted appropriately in a high-speed chase which ended in the deaths of three teenagers in Tama County, according to a report released last year by State Ombudsman, Bill Angrick.

The 77-page report is based on the Ombudsman's investigation of the April 6, 2001 chase which started in Toledo and ended at a T-intersection in northern Tama County. The chase involved a Toledo police officer, two deputies from the Tama County Sheriff's Department, and a reserve deputy sheriff. An Iowa legislator asked Angrick to investigate the incident to determine whether the officers had acted appropriately.

The report says many actions by the officers were appropriate. Although Angrick concludes the officers violated certain parts of the department's pursuit policies, the report focuses on the policy provisions themselves, noting that they either lacked clarity or consistency with management expectations and actual practices in all but one instance. Given the Ombudsman's role of helping to improve government, the report makes several recommendations regarding the policies.

The chase started at 1:50 a.m. when a Toledo Police Officer saw a vehicle go backwards on Highway 63. It then went forward and ran a stop sign at the intersection with Highway 30 in Toledo. The officer approached with his lights and siren on, but the vehicle sped away.

A deputy and a reserve deputy of the Tama County Sheriff's Department joined the pursuit, which reached 90 miles per hour within 10 blocks. The pursuit continued north from Toledo on Highway 63, when officers learned the suspect vehicle had possibly been stolen. The sheriff's deputy tried to maneuver his squad car in front, in an effort to slow the suspect vehicle down, but it swerved towards his car, forcing him to slow down.

The pursuit then went even faster – a deputy averaging 120 miles per hour was falling behind the suspect vehicle, which he estimated was going 140 to 150 miles per hour.

The pursuit ended less than nine minutes after it began, when the suspect vehicle went out of control at a T-intersection. Officers did not see the crash, but came upon it shortly after it happened. Two officers rescued an occupant from the burning vehicle, but said they could not get anybody else out due to excessive heat and flames. Three teenagers died at the scene; the fourth received serious injuries and was hospitalized for nearly three weeks.

Regarding the policy violations, the report says the sheriff's deputies joined the pursuit without receiving a request from the Toledo police officer and without obtaining authorization from a supervisor, as required by departmental policy. On that point, however, Angrick wrote that he "finds the Tama County Sheriff's office pursuit policy is inconsistent with deputies' practice and the sheriff's expectations."

The lone exception involved a Toledo Police Officer's failure to inform dispatch and other officers of the nature of the pursuit, as required by his department's policy. Angrick's report does not find fault with that particular policy provision.

Based on his findings and conclusions, the Ombudsman's report has seven recommendations for improving how law enforcement agencies handle high-speed chases. Included are recommendations that:

1. The Toledo Police Chief and Tama County Sheriff review and amend current pursuit policies, particularly to ensure those policies are consistent with departmental expectations;

2. They take into consideration the International Association of Chiefs of Police 1996 sample policy and other relevant model policies;

3. They periodically review pursuit policies with all personnel; and

4. Supervisory personnel debrief officers involved in a pursuit.

The Toledo Police Department's reply, states that "should anyone interpret your report as being critical with the steps taken … in this matter, we would like to be on record as saying we do not agree with any such interpretation."

Tama County's response to the report disagrees with several of the Ombudsman's findings. The response stated that the report "should acknowledge that the events examined here in circumspect detail and in the detached luxury of quiet contemplation are light-years removed from the literal split-second decisions those involved are empowered to make."

Regarding the Ombudsman's recommendations, the response noted that the issue of modifying the sheriff's pursuit policy "is fraught with legal peril when the threat of litigation over that incident has been made, as here."

Additionally the response included that the sheriff would be advised "to undertake the review your recommendations suggest … when any litigation is finally concluded or the applicable statutes of limitation have run their course."

Copies of the full report with replies can be obtained from the Ombudsman's web site at: http://www4.legis.state.ia.us/cao/Reports/reports.htm.

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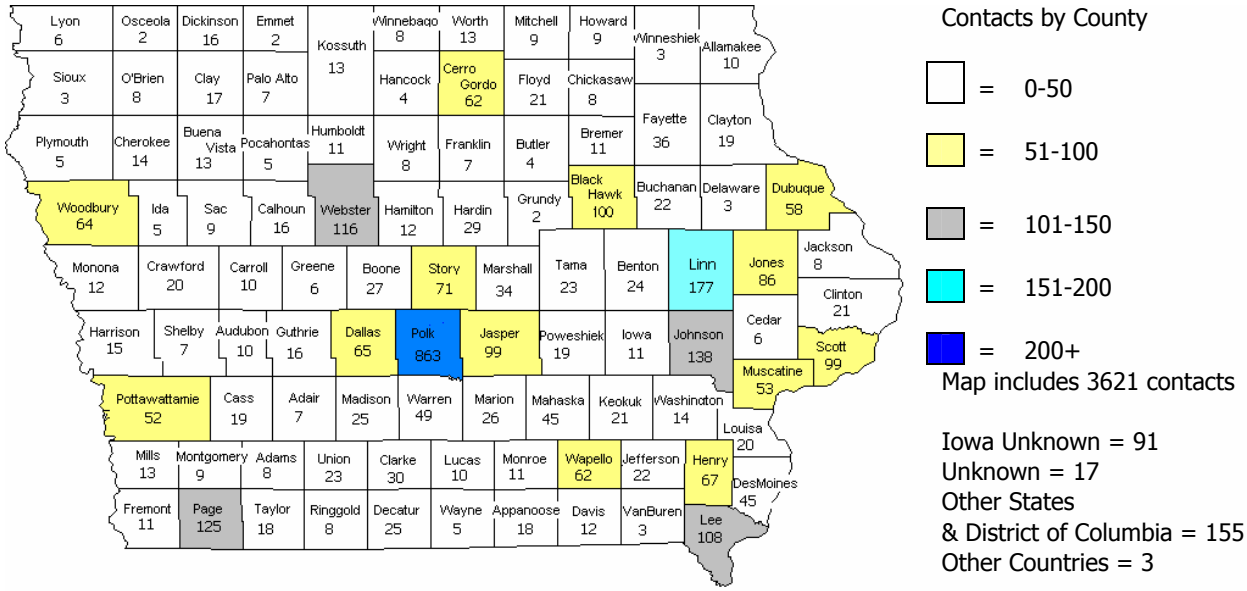
# Where Is Your County?
# Contacts opened by Citizens' Aide/Ombudsman in 2002



# Public Records, Open Meetings and Privacy (PROMP)

Even retreats are covered by Iowa's Open Meetings Law, a school board learned last year.

A resident told us that the school board had held three retreats in a year's time. The retreats were held during the evening on the second floor of a private building that had no elevator. Few people knew about the retreats, as the board did not post an agenda. And even if people knew about the retreats, they couldn't get in because the building's doors were locked.

The resident decided to call our office after reading a "Sunshine Advisory" bulletin by the Iowa Attorney General's Office. The advisory stated, "Public bodies occasionally schedule retreats or 'working sessions' separate from regularly-scheduled meetings in order to discuss policy issues or examine new ideas. These events can help a public body to focus its mission. But retreats and working sessions are covered by Iowa's Open Meetings Law and cannot be held in private unless grounds exist to close the session."

The advisory added, "Discussions of policy issues – even when no votes are taken – are covered by the Open Meetings Law…. A meeting is covered if a quorum of the public body deliberates on matters within the scope of the body's policy-making duties. All meetings, including retreats and working sessions, must be held at a place reasonably accessible to the public."

We called the school district and spoke with the superintendent and board secretary. They confirmed the board had held retreats – now called work sessions – to discuss goals and policies. They also confirmed the public was not notified about the sessions and they were not open to the public.

At our request, school officials agreed to review the Attorney General's "Sunshine Advisory" as well as information from the Iowa Freedom of Information Council. We also suggested the board may want to consult with its attorney.

A week later, school officials told us they agreed that the work sessions should be treated like regular meetings under the Open Meetings Law – notices would be posted at least 24 hours before a session, and the public would be allowed to attend. They also acknowledged the board would need to find a new location for its work sessions, one that is not locked to the public and is fully accessible to persons with disabilities.

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A man applied for several jobs through Iowa Workforce Development (IWD). He later got a message on his answering machine, an automated call from IWD, which included his social security number and other personal information.

When the man contacted the local IWD office, he learned they had placed several such calls to him. Having only received one such call, the man became concerned that IWD's automated phone system had mistakenly left his personal information on someone else's answering machine.

We contacted IWD, which confirmed its practice of having an automated phone system leave messages – including personal information – on clients' answering machines. IWD acknowledged receiving a similar complaint and agreed to review this practice.

After the review, IWD changed its practice – messages left on answering machines will be generic, without any mention of social security number or even the client's name – to remove the risk of divulging private information to a third party.

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A woman filed a complaint about an insurance company with the Iowa Insurance Division (IID). At the same time, she received a "form letter" from the company she was complaining about.

She learned that the company got her home address from IID because she was previously licensed to sell insurance in Iowa. The woman objected to IID giving her home address to a company that she was complaining about.

We contacted IID, which agreed to review the matter further. At least partly due to the Ombudsman's contact, IID proposed new legislation – which was later enacted into law – giving the agency discretionary authority to keep confidential "any social security number, residence address and residence telephone number" contained in its licensing records.

# Corrections

## Message from the Prison Ombudsman (by Judith Milosevich)

Nearly twelve years ago, the Citizens' Aide/Ombudsman opened an investigation into the Department of Corrections (DOC) withdrawal of psychotropic medication from an inmate and a related use of force incident. After three years of investigation and court battles over access to records, we released a report critical of these practices. We found the DOC practices of medication removal without observation, and transfer of offenders to other institutions without notice of diagnosis and medication, failed to meet professional standards.

It is our opinion the treatment of mentally ill in the Iowa prison system has improved dramatically since then. Most recently, Kip Kautzky (who was DOC Director until December 2002) made improvement of health services, especially mental health services, a priority. No longer are offenders summarily removed from their psychotropic medications. The Iowa State Penitentiary in Fort Madison has a Clinical Care Unit designed to house offenders with major diagnoses who need monitoring, medications and for whom it may be unsafe to house in the general inmate population.

While not completely funded, groundbreaking is taking place for a medical unit at the Iowa Medical and Classification Center in Oakdale. This unit will have approximately one-third of its beds for medical care and two-thirds for behavioral care.

The number of mentally ill incarcerated in prisons and jails has risen substantially since the public policy decisions of earlier decades, first to reduce beds for mentally ill, then to close many of the psychiatric hospitals. Little, if any, of the money saved through these measures was channeled to help communities treat those who had previously been hospitalized.

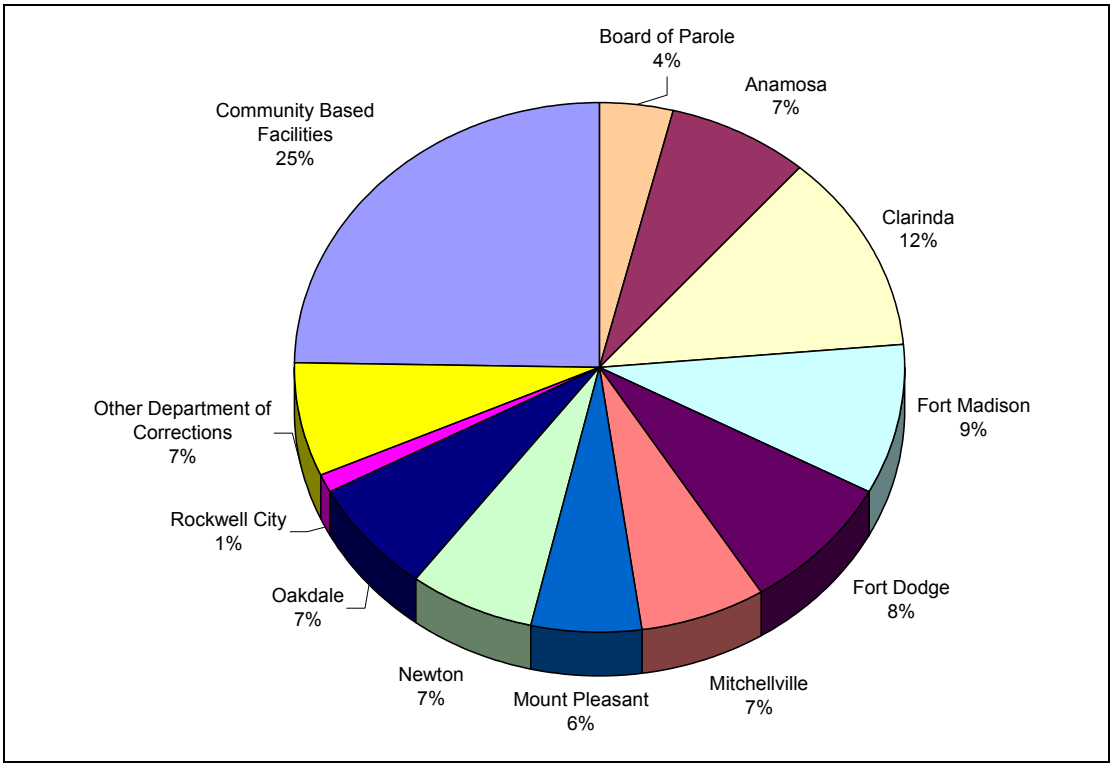
Prisons and jails have become the new repository for those with serious mental illnesses. Communities are ill-equipped to serve this population. Medicated offenders are given a small supply of their medication when they leave prison, but once in the community they find it difficult to find services on their own.

If released to a work release center, they do not qualify for any type of assistance even though they are expected to get a job and pay rent to the facility. The facility is equally handicapped because its funding is based on a formula that all those occupying beds are paying rent. Offenders who received Social Security before their incarceration do not qualify for benefits as long as they are in a correctional facility.

What is the answer? I don't know. Some communities are experimenting with Mental Health Courts modeled after the now popular drug courts. There must be more emphasis on community treatment. Most people with mental illness can work. With a support system in the community to help with medication and counseling, training and job seeking, future generations may avoid

prison. (If we do not do something soon, we will have to fund more "mental hospitals" fenced with ten-foot-tall chain link and three rows of razor wire, a far more expensive alternative.)

## *Sources of Corrections Complaints*




*This chart shows the proportion of contacts opened by the Ombudsman's office in 2002 involving the various institutions of the Department of Corrections.*

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A man in prison got a special Father's Day visit from his fiancé and young son after our office helped iron out a visitation snafu.

The snafu grew from a 12-year-old case of identity theft involving the man's fiancé. Someone had stolen her Social Security number and used it to obtain a driver's license. The identity thief had numerous criminal charges over the years, many of which were cross-referenced back to the fiancé. As a result, over the years she repeatedly had to prove her identity to agencies that mistakenly thought she was a career criminal.

She tried to resolve the problem by requesting a new Social Security number, by getting fingerprinted and by carrying a letter from a local police department explaining the situation. But the problem re-emerged when she applied to visit her fiancé after he was sent to a state prison. The prison did a routine criminal background check, which indicated (mistakenly) that she was on parole.

Before contacting our office, she had visited the Division of Criminal Investigation (DCI). We contacted them and they confirmed the woman had been in that day to get fingerprinted. DCI was able to confirm she had no criminal record and provided her with documentation verifying that.

We then faxed the DCI's documentation to the prison, asking them to reconsider her application for visitation. Prison staff approved her application within two days, allowing the woman and her son to visit the man later that week for Father's Day.

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A woman on probation wanted to audiotape her meetings with her probation officer. The probation officer allowed her to tape record several meetings, but then said the woman could not continue taping their meetings.

The woman asserted she should be allowed to tape the meetings under Iowa Code section 727.8. We reviewed that section and then found a court decision which supported the woman's right to record her meetings with the probation officer.

We relayed this information to the probation officer and then to the director of the judicial district. The director agreed with us and sent a directive to district managers that probationers should be allowed to tape their meetings with probation officers.

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Inmates at a county jail are allowed to exercise more often, thanks to an anonymous complaint from an inmate to the Ombudsman's office.

The inmate alleged jail staff were not offering any exercise to inmates. State administrative rules state at least "two one-hour exercise sessions shall be offered" weekly to most jail inmates. "An exercise area outside the cell shall be available," the rules continue. "Such area must provide opportunity for adequate exercise."

The rules also state that outdoor exercise "may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months."

In response to the complaint, we spoke several times with the jail administrator and the chief jail inspector for the State Department of Corrections. We reviewed the jail's policies and procedures, as well as log books for inmate exercise. We also visited the jail and interviewed an inmate.

In response to our inquiry, the jail administrator agreed to the following changes in policy and/or practice:

- The inside dayrooms, which are too small to walk around in, would no longer be considered as exercise areas.

- This would make two outside areas, on the jail's roof, as the only exercise areas available to inmates. While one of those areas was inoperable (due to damage to a fence caused by inmates), the jail administrator agreed to speed up the timetable for the necessary repairs.

- Exercise would be offered to inmates twice a week, as long as it was at least 20 degrees outside with no precipitation and little wind. Exercise previously was offered only if the temperature was at least 60 degrees.

- In case of inclement weather, exercise would be offered the next day that did not have inclement weather. Previous practice was to delay exercise until the next scheduled exercise day.

- Inmates would be offered blanket-lined coats during outside exercise sessions.

- Jail staff would document when exercise was offered, and whether inmates accepted the offer, as well as instances when exercise was not offered due to inclement weather.

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It's hard to follow the rules if they're written in another language.

That was one of the concerns brought to our office by a group of Latino inmates at Anamosa State Penitentiary (ASP). They wrote a letter that we arranged to be translated into English. In addition to not having rule books in Spanish, they said Latinos were not allowed to:

- Cell together.
- Speak Spanish in the yard.
- Gather as a group in the yard.
- Have Bibles written in Spanish.

We contacted ASP's security director and an official with the Department of Corrections' central office. They agreed that Latino offenders should be allowed to speak Spanish or any other language in the yard; though they added that offenders should try to reply to an officer's questions in English, if possible.

They also explained that another offender may translate for those who are not able to communicate in English with staff. Officials advised that when officers observe body language, action, or suspicious activity, they will question offenders no matter what the make-up of the group is.

Staff also assured us that Latino offenders would be allowed to cell together; and Bibles in Spanish are allowed. Rule books and important policies are in Spanish and available in the orientation area or from their counselor. The security director also posted a memorandum to security staff reinforcing this information.

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Imagine being married and you are not allowed to have any communications with your spouse. That became almost like a real-life nightmare for some of the married women in Iowa's prison system over the past decade or more.

For more than a decade, our office commonly received the "correspondence" complaint from women at the Iowa Correctional Institution for Women (ICIW). If a woman had a spouse who was also in the prison system, ICIW would not permit them to correspond with each other, unless they had children in common. The justification given by prison administrators was that women are generally drawn into criminal activity by their spouses.

If a couple had children in common, the woman had to successfully complete a class called "Healthy Relationships" before ICIW would allow her to correspond with her husband. Even then, the letters could only be about the children and counselors reviewed all letters before sending them out.

Our office had expressed concerns about this practice to two ICIW wardens, but no changes were made. We also approached staff at the Department of Corrections' (DOC) central office, again without success.

Eventually, we took the matter to a newly-appointed (and now former) DOC director. He agreed the case law may not support their position and agreed to consider a change.

Some time later, it was announced that ICIW would allow women to write to their incarcerated co-defendant spouses. The women are still required to take the "Healthy Relationships" class, but it is not a pre-requisite to correspondence. The couple does not have to have children in common and can correspond on nearly any issue. Their mail is subject to the same scrutiny as all personal inmate mail.

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A jail inmate said it had been five months since he had been able to get African-American hygiene items. We called the jail administrator. He doubted that was true, but agreed to check.

When the jail administrator reported back, he said the inmate was correct. The jail had previously stocked its commissary with supplies purchased from a local pharmacy. When that pharmacy went out of business, the jail had to look elsewhere and ended up using three different providers.

Unfortunately, the jail administrator said, African-American hygiene products had gotten lost in the transition. Within a few days, the jail located a new supplier, printed new order forms and put the new forms on all units for immediate use.

♦♦♦♦♦♦♦♦♦♦♦

Does more than four dollars for a 15-minute local phone call sound reasonable?

That's what an inmate at the Iowa Correctional Institution for Women (ICIW) was wondering when she contacted our office. Under a new phone system, she understood that all phone calls to Des Moines and its surrounding suburbs would be charged a flat rate of two dollars for every 15 minutes. So she was shocked to find she was charged more than twice that rate for a phone call to a relative living in Des Moines.

We contacted ICIW and the Department of Corrections' Central Office. They examined the problem and discovered that a particular prefix for the Des Moines area had not been entered into the computer program that generates the charges. They responded by entering the prefix into the program, and they credited the inmate the overcharged amount.

♦♦♦♦♦♦♦♦♦♦♦

If you were a prison inmate, which would be worse:

- Having a guard assault you when nobody else is around to see it?
- Reporting the assault only to get in trouble for allegedly filing a false report?

An inmate was in such a predicament when he contacted our office. He said a correctional officer had punched him in the chest and squeezed his throat. There were no witnesses.

Prison officials investigated the inmate's complaint and concluded there was no assault, so they found him guilty of filing a false report and his sanctions included a loss of 16 days of "earned time." The inmate was appealing the report, but thought he should contact the Ombudsman's Office at the same time.

We obtained a copy of the prison's investigative file. We immediately found several questions and concerns. Most importantly, while prison officials said the doctor found no evidence of injury, the doctor's own handwritten notes contradicted the prison's claim.

We presented our questions and concerns to the warden, as well as the Department of Corrections (DOC) official who would be considering the appeal of the inmate's disciplinary

report. At first they defended how the matter was handled. But we persisted, and, eventually, they agreed to offer the inmate a chance to take a polygraph test.

The inmate took a polygraph test and was found to be truthful regarding his account of the assault. DOC dismissed the report and restored the lost earned time.

By that time, five months had elapsed since the incident in question. In light of the polygraph results, we attempted to persuade the warden to re-open the investigation. The warden resisted our suggestion, taking the position that they had already investigated the matter once. Since that time, our office has not received any additional complaints about the correctional officer.

# Local Government

A county attorney acted arbitrarily by authorizing the removal of a dog from private property without ensuring that he had a proper understanding of the matter, the Ombudsman concluded following an investigation.

Two sheriff's dispatchers inappropriately involved themselves in the removal, including one who had an interest in acquiring the dog, the Ombudsman also concluded.

The county attorney resigned, apparently for unrelated reasons, just before the Ombudsman submitted his written findings and conclusions regarding the investigation. Because the individual had resigned from government, the Ombudsman chose to take no further action regarding his role in this matter.

The dog was the focus of a dispute between a man and a woman. Both claimed ownership of the dog. Our investigation found that the woman acknowledged giving the dog to the man's son, but later decided that she wanted to give it to a person who was employed as a dispatcher for the county sheriff's department.

When we interviewed the county attorney, he confirmed that he directed a deputy sheriff to allow the woman's friend to enter the man's private property to remove the dog, over his objections. We found the county attorney did this without seeing paperwork that purportedly proved the woman was the rightful owner, and without attempting to get the man's "side of the story." There was no allegation that the man had committed a theft or other public offense.

We also found that the filing of a replevin action (under Iowa Code chapter 643) would have been an appropriate civil remedy under the circumstances. Had such an action been filed, the man would have been entitled to notice and hearing before any removal of the dog.

Although the county attorney said his actions were in part due to concerns about the dog's welfare, those concerns were coming from the parties who were attempting to obtain the dog and were not independently verified. In addition, there is an appropriate remedy under Iowa law if an animal is suspected of neglect.

Regarding the dispatchers, the Ombudsman concluded that they inappropriately used their positions as employees of the sheriff's department to resolve a private dispute in which they had a personal interest. The sheriff accepted a recommendation to review the Ombudsman's written findings and conclusions with the dispatchers and the deputy sheriff who was involved.

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When counties replace bridges built in the 1800s, are they liable for any downstream property damage caused by resulting changes in the flow of the river? The answer is not a simple "yes or no" issue.

We learned that after reviewing a complaint involving the erosion of nearly 20 feet of shoreline on private property less than a year after the county installed a new bridge just upstream. The owner was especially concerned that if the erosion continued at the same rate, a house on the property would eventually fall into the river within a few years.

Due to the technical nature of the matter, the Ombudsman agreed to hire, as a paid consultant, an engineer who specializes in rivers and erosion. We made a site visit with our consultant, accompanied by the property owner and county officials.

The consultant's written report concluded there were two main factors contributing to the erosion:

1. Removal of the old bridge's abutments, which for more than a century had offered "artificial protection" to the adjacent private property.

2. Construction of the new bridge, while generally appropriate in design, was causing some additional erosion on the private property.

The consultant recommended three specific remedies that the county could implement to prevent additional significant erosion. However, the county rejected the recommendations, arguing that much of the erosion was due to removal of the old abutments. The county also noted the overall design was deemed appropriate and that acting on the recommendations could be seen as setting a significant precedent regarding its liability for any similar projects.

Regarding liability, our review found a key issue was whether the bridge "was constructed … in accordance with a generally recognized engineering or safety standard, criteria or design theory in existence at the time of the construction" as provided in Iowa Code section 670.4(7). Based on our review of the consultant's report, we could not find sufficient basis to conclude the bridge was *not* constructed in accordance with the parameters set out in that law..

We also found a relevant decision by the Iowa Supreme Court which discussed a plaintiff's pursuit of damages under a different legal standard called the "theory of inverse condemnation." The decision held that such a determination "must be made solely with respect to the channel alteration, disregarding that portion of the increased flow caused by removing the old bridge abutments."

While our office could have pursued this issue further with respect to the complaint, we determined that doing so would not be an appropriate use of our resources. This decision was based on the fact that further pursuit would be relatively time-consuming, given the technical and legalistic nature of the issues; and even if we concluded the county should take some kind of corrective action, the county already was indicating it would resist any such recommendations. As a result, we shared this information with the property owner and suggested he talk with his attorney about the feasibility of taking legal action against the county.

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City councils shouldn't break a public improvement project into smaller pieces just to get around the law requiring competitive bidding.

That was the Ombudsman's conclusion after looking into a complaint about a small town that built a new storage shed without advertising for bids. Iowa Code section 384.96 states, "When the estimated cost to a city of a public improvement exceeds [$25,000], the governing body shall advertise for sealed bids…."

After receiving this complaint, we asked the city for copies of documents related to the project, including council minutes and original bid documents. Included was a letter from a construction firm which quoted a price of $30,280 to build a storage shed. The letter, addressed to a city employee, included handwritten notes dividing the cost into a "shell" component and an "inside" component.

Two months later, the firm sent another letter, quoting a price of $19,067 to construct a "shell" with overhangs. Handwritten calculations on that letter listed three components – shell, doors and concrete – with a total cost of $28,487, which was circled.

The council approved a contract to construct a "shell" for $19,067. Over the following months, the council approved four additional parts to the project:

- Doors: $2,450
- Concrete approach: $7,383
- Interior work: $11,213
- Heating: $4,500

All told, the council had authorized spending $44,613 to construct the new shed. We researched the issue and found a 1984 decision of the Iowa Supreme Court [*Kunkle Water & Electric, Inc. v. City of Prescott]*. In that decision, the court held that when the estimated total cost of the public improvement exceeds the specified sum, the competitive bidding requirement under Code section 384.96 may not be avoided by fragmenting an open account that exceeds the bidding limitation in order to produce a number of smaller contracts, each of which would be below the bidding limitation.

The court in *Kunkle* acknowledged that "legally separable and factually separate transactions" may be let without bids even if, in the aggregate, they exceed the competitive bidding amount.

In this case, the Ombudsman concluded the city did in effect circumvent the competitive bidding statute. "All the work undertaken was integral to the construction of the shed and not a separate improvement," the Ombudsman stated in a letter to the city. "Even if arguably the concrete approach and heating could be considered 'legally separable and factually separate transactions,' the shell and the interior … totaled $30,280, which exceeded the statutory competitive bidding amount."

Because the project was already finished, the Ombudsman shared his findings and conclusion with the city council and encouraged them to review the matter carefully "so future projects are handled in a manner that is consistent with Iowa law."

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Imagine you are the county treasurer. The man at the counter says he can't find the certificate of title for his van. He gives you an application for a replacement title.

Should you give him a replacement title?

One county treasurer's office learned this answer the hard way last year. They approved the man's application for a replacement title. The man turned around and sold the van to a third party.

This came as a bit of a surprise to the man's wife, whose name was also on the original title. They were going through a divorce when she learned that he sold the van, without her

knowledge. When she found out that the county treasurer's office had given him a replacement title, she questioned whether that was allowed by Iowa law.

She contacted our office. An assistant Ombudsman looked into the matter by reviewing state law and state administrative rules; and by contacting several agencies, including the Department of Transportation.

After our review, we concluded the county treasurer violated state law and agency rule. According to the Iowa Administrative Code, all owners on the original certificate must sign an application for a replacement title, even if the names are separated by the connector term, "or." At our request, the county treasurer apologized to the woman.

We then determined the county treasurer had a process under law to recall or void a certificate issued in error. We informed the treasurer of that process. The treasurer agreed to begin the process of voiding the replacement certificate.

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A city police department has improved the way it sells vehicles to the public, thanks to a complaint from a man who felt misled by an advertisement taken out by the agency.

Published on a Sunday, the newspaper ad listed a price for three used vehicles, ranging from $1,000 to $1,500. It also stated, "Purchase vehicles separately or all 3 for $3,500 or best offer."

That was the only explanation for how the vehicles would be sold. The ad ended with a contact person (a police officer) and his phone number.

A man saw the ad and went to look at the cars the next morning. Deciding to buy one of the cars, he had his wife take $1,500 – the price listed in the ad -- to the police station. But the officer in charge of the sale said he was merely making a list of people who wanted to buy the cars.

As it turned out, police sold the car to someone else who had made the same offer in a voice-mail message left at the police department on Sunday. Upon learning that, the man felt he'd been misled, because the ad did not indicate cars would essentially be sold to "the highest bidder" or, in case of a tie, to the person who expressed their interest first.

The man took his concerns to the mayor, but the mayor defended how police handled the sale. The man then contacted our office. If nothing else, he felt any similar ads in the future should be more specific about the "rules" by which police would sell vehicles.

We spoke with the officer in charge of the sale and the assistant police chief. While they said this was the first complaint they had received about such sales, they acknowledged such ads were not clear about the process, and they were very receptive to improving the ads.

We also contacted the Iowa League of Cities. Their representative confirmed there is nothing in the Code of Iowa that governs such sales. However, a League representative said departments that conduct such sales should have a written policy specifying the process. If the goal is to sell to the highest bidder, the representative said any ads should specify that, as well as the timeframes within which bids are to be accepted. Finally, they added that the city would be wise to set a minimum bid and include that figure in any ads.

We relayed these suggestions to the assistant chief. At our request, he discussed them further with the League's representative. Eventually, the police department developed and implemented a new policy for selling surplus property, incorporating the League's suggestions.

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A county reversed itself and gave $275 in rent assistance to a veteran in response to an inquiry from the Ombudsman's Office.

The man needed help after his pension check was stolen. He applied for rent assistance from the county's commission on veterans affairs. But the commission's director denied his application, saying the man had not established "legal settlement" in the county – having moved there just seven months prior.

When the man filed a complaint with our office, we encouraged him to file an appeal with the county board of supervisors. We also reviewed relevant state law, as well as court rulings and formal opinions of the Iowa Attorney General.

Our research found that "legal settlement" should not be used as a reason to deny a veteran's application for county assistance. At our request, the commission director agreed to consult with the county attorney.

The director later told us that the county attorney agreed that "legal settlement" should not be used as a reason to deny the man's application. The county attorney advised that "residence" in the county is all that an applicant needed. As a result, the board of supervisors decided to reverse the denial, and the man was paid the full amount ($275) for rent assistance. The county would seek compensation from the county where the man still had legal settlement.

## Department of Revenue and Finance

Few people enjoy getting phone calls from a collection agency, especially when the calls are about someone else's debt.

Such was the case for an elderly woman. Her adult son owed money to the Department of Revenue and Finance (DORF). A private collection agency, under contract with DORF, kept calling the woman to see if she could help them find her son.

But the woman couldn't help. Her son moves around a lot and rarely contacted his family. So the phone calls from the collection agency were upsetting to the woman.

Eventually, her daughter called our office. We contacted DORF and asked them to check into this. They did so, and agreed to remove the mother's name from their list of contacts, and not call her again.

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Failing to get credited for payments is never a good thing, especially when you are dealing with the tax department.

That was the problem facing a small business owner when he called our office about the Department of Revenue and Finance (DORF). He said the agency had incorrectly recorded several of his quarterly tax payments over the prior year. This led to delinquency notices, even though his payments were timely.

Adding insult to injury, the man said DORF had lost his annual tax payment the year before, which required him to post a $500 cash bond.

Our inquiry to DORF found that over the past year the small business owner had converted from being an annual filer to being a quarterly filer. This change had caused some timing issues for

DORF's system in processing the quarterly returns. In addition, DORF had misapplied one quarterly payment.

All these factors triggered several "false" delinquency notices to the small business owner. DORF issued an apology to him and offered to refund the cash bond.

# Child Support

## Child Support Advisory Committee (by Ruth Cooperrider)

Iowa law (Iowa Code section 232B.18) provides for a representative from the Ombudsman's Office to serve on the State's Child Support Advisory Committee (Committee). I and other representatives on the Committee give input and make recommendations to the Department of Human Services (DHS) regarding the state's child support program. The Committee met six times on a bi-monthly basis during 2002.

The Committee has four subcommittees: Policy and Legislation (on which I serve), Operations, Public Awareness and Membership. I also participated on an ad-hoc work group that continued its examination of several issues previously identified by the Committee as priority items:

1. Allow for termination or suspension of child support for a child who is in the physical custody of the obligor parent, in situations when the obligee parent will not agree;

2. Allow for termination or suspension of child support for a child if both parents agree for that child, but not all of the children covered by the support order, to reside with the obligor parent;

3. Clarify and simplify the notice requirements under Iowa Code section 252F.3 for administrative paternity actions;

4. Affirmatively require that Iowa Code chapter 252K (the Uniform Interstate Family Support Act) apply to cases that have multiple intrastate (Iowa) support orders.

The Committee reviewed and commented on one of the more significant changes proposed by the DHS. The proposal would require all child support payments processed by the DHS that are not already paid by direct deposit to be deposited electronically to a financial institution account; individuals would use a card to obtain the funds at automatic teller machines (ATMs) or for purchases. The DHS considered the comments in developing its "request for proposal" to the financial institutions.

The Committee also discussed its process for reviewing the child support guidelines in 2003. Iowa law requires the Iowa Supreme Court to review the guidelines every four years, and one of the responsibilities of the Committee is to make recommendations for revisions to the guidelines. The Committee decided to post notices and hold three public hearings in Des Moines, Fort Dodge and Tipton during February 2003 to solicit comments from the public before reviewing the guidelines at its May 2003 meeting.

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One man's delinquency of more than $10,000 in child support was wiped out in response to an inquiry from the Ombudsman's Office.

The man complained that Child Support Recovery Unit (CSRU) was withholding money for a child support obligation, even though his parental rights to the child had previously been

terminated. The man believed a court-ordered paternity test had proven he was not the biological father.

We contacted CSRU and learned the man had voluntarily terminated his parental rights, before the paternity test results were known. As a result, CSRU told us the man would need to go back to district court to get an additional order stating he was not the father and, therefore, not obligated to pay child support. The man was willing to follow this route, but was having problems getting a copy of the paternity test results – the private laboratory which conducted the test would not release them to him.

We then contacted DHS to see if they could send a copy of the paternity test results to the man. Much to our surprise, DHS responded with a letter stating they would no longer enforce the support order and that they were satisfying the entire arrearage owed to the State (more than $10,000).

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A father who had not been credited for money withheld for his child support obligation finally received the credit within a week of his call to the Ombudsman's Office.

A year and a half before, the man had received a check from the state for services provided to a client of a state agency. The check was only half of the amount that the man expected. He learned that $120 had been offset to go towards his delinquent child support obligation.

He had appealed the offset but was not able to show up for the hearing. Because his appeal was denied, he figured the $120 was properly credited to his child support account.

More than a year later, the man discovered that the $120 had not been credited to his account. He made some phone calls but without success, and eventually he was referred to our office.

We looked into his complaint by speaking with five different agencies to track down where the $120 had gone. It soon became apparent that the agency which handled his appeal (Department of Inspections and Appeals) had failed to notify the Department of Human Services (DHS) that the appeal was denied and to apply the $120 to the man's child support obligation.

In response to our inquiry, the problem was corrected and DHS applied the money to the man's child support account.

## Other State Agencies

A problem that had festered for more than two years was fixed in less than two hours with a call to the Ombudsman's Office.

A librarian had ordered a set of books from the Department of General Services (DGS). The agency sent out the wrong books. The librarian informed DGS of the mistake. DGS sent an employee to pick up the order sent in error.

DGS also promised to send a replacement set of books. Months went by and the librarian still had not received the replacement books. She said she began contacting DGS, through phone calls, letters and e-mails, but did not get a response.

More than two years after the original order, the librarian called our office. We immediately contacted DGS. They in turn called the librarian and agreed to send a set of law books. The

librarian believed they got a good deal on the exchange, and was most thankful that the issue was finally resolved.

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How can a person be in Oregon and Iowa at the same time?

That's what an Oregon woman was wondering after learning her driver's license was being suspended for an unpaid ticket from Iowa. Trouble was, she was not living in Iowa when the ticket was issued. Having a child with health problems and regular doctor appointments, she could not accept the possibility of losing her license for something she did not do.

She knew she could have paid the fine, which would have resolved the problem; however, she did not want this ticket on her record. She has a clean record and wanted to keep it that way.

So she called our office. During a conversation, she revealed that her sister had recently been released from prison. She added that she would not be surprised if her sister had used her identity in connection with a ticket.

We contacted the Department of Transportation (DOT), the magistrate's clerk and the county attorney. We learned there is a strong resemblance between the two sisters. Before long, the county attorney offered to ask the magistrate to dismiss the ticket if the woman could prove she lived in Oregon when the ticket was issued.

The woman responded with documentation proving her Oregon residency. The county attorney then asked the court to dismiss the charge, allowing the woman to get her Oregon driving privileges returned.

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As neighbors go, a quarry probably wouldn't be the first choice of most people. Especially when the operators are using explosives to mine the rock and sand.

We were contacted by a man who lives near one such quarry. He had received a notice that the quarry was going to conduct blasting operations the following week. He was concerned because during past blasting operations, the explosions were extremely loud, each one involving nearly 6,000 pounds of explosives. In addition, the man believed the quarry was illegally encroaching on the property of an adjacent cemetery.

He had taken his concerns to city, county and state officials, but without success. The city had relatively minor restrictions for quarries, none of which were being violated. The county had more restrictive rules on the use of explosives, but they did not apply because the quarry was in the city limits.

At the state level, the man got in touch with the Department of Agriculture and Land Stewardship (DALS). He learned that DALS does not have restrictions on the use of explosives. While he persuaded a DALS official to go see the quarry, that official found no violation of the setback requirements.

So the man called the Ombudsman's Office. He presented photos which appeared to show the quarry might be encroaching on the nearby cemetery.

We contacted DALS. In response, they agreed to send an inspector to take another look at the quarry.

A month later, DALS reported that the second inspection found the quarry was in violation of a setback provision established by state administrative rule. At the request of DALS, the quarry's

owners contacted the owners of the neighboring property they were encroaching upon and obtained an easement, which resolved the encroachment issue.

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An organization was awarded a grant from the Iowa Department of Education (DOE). The grant contract stated DOE would release half of the grant monies upon receipt of the signed contract from the organization, and an additional 40 percent upon receipt of a mid-term report.

The organization followed these steps but DOE would not release any of the monies. The organization eventually contacted our office. We contacted DOE, which responded by agreeing to disburse the monies as directed by the contract.

DOE explained that Iowa law (Code section 421.40) actually did not authorize the release of grant monies before services were furnished, unless it would be in the "best interests of the state" to do so.

After reviewing the matter, DOE pledged to write future grant contacts in a manner more consistent with the provisions of section 421.40.

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The rules for renewing salon licenses got a makeover in response to a complaint filed with the Ombudsman's Office.

Salon owners in Iowa are licensed through the Professional Licensure Bureau, within the State Department of Public Health. One salon owner contacted us after learning her license had lapsed. She initially got licensed in October 1999 and was under the impression that the license was good for two years.

However, she learned in August 2001 that her license had already lapsed, at least in the eyes of the Bureau. Not only did she have to obtain a new license, but she would also have to pay a reinstatement fee, which she felt was unfair and prompted her to contact our office.

The Bureau said that along with her license, she should have received a letter stating (in bold type) the date that she had to reapply. The owner did not recall getting such a letter.

After making several contacts to the Bureau, we learned that two-year licenses could be renewed in only even years. So, if a salon owner was issued a new salon license in an odd year, the Bureau was requiring that the license be renewed by the end of that odd year in order to get on the even-year renewal schedule. This did not seem to be supported by the Bureau's administrative rules, which merely stated that applications had to be accompanied by a biennial license fee and that the salon license was valid for two years.

We also learned that the owner may not have received a renewal notice because she received her original salon license within two months of the end of an odd year; renewal notices are sent out 60 days prior to the end of an odd year.

The Bureau apparently had received similar complaints because it had already started the process of changing the rules to address the problem. However, the agency noted it was a good thing our office called because when they checked, the language to correct this problem had not been inserted in the rule as they intended.

The rules now clarify that biennial licenses begin on January 1 of every odd-numbered year. A new provision was also added which eliminated the requirement to reapply for a license if the owner received a new salon license within two months of an odd year.

# *2002: Contacts Opened by Agency*

| Department or agency | Jurisdictional Complaints | Non-jurisdictional Complaints | Information Requests | Pending | Total | Percent of total |
|---|---|---|---|---|---|---|
| Agriculture & Land Stewardship | 2 | 0 | 1 | 0 | 3 | 0.1% |
| Attorney General/Department of Justice | 8 | 0 | 16 | 1 | 25 | 0.6% |
| Auditor | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Blind | 0 | 0 | 1 | 1 | 2 | 0.1% |
| Citizen's Aide/Ombudsman | 4 | 0 | 16 | 1 | 21 | 0.5% |
| Civil Rights Commission | 5 | 0 | 7 | 4 | 16 | 0.4% |
| College Aid Commission | 7 | 0 | 0 | 0 | 7 | 0.2% |
| Commerce | 8 | 0 | 9 | 2 | 19 | 0.5% |
| Corrections | 474 | 0 | 50 | 81 | 605 | 15.6% |
| Cultural Affairs | 1 | 0 | 0 | 0 | 1 | 0.0% |
| Economic Development | 0 | 0 | 4 | 1 | 5 | 0.1% |
| Education | 10 | 0 | 3 | 0 | 13 | 0.3% |
| Educational Examiners Board | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Elder Affairs | 0 | 0 | 28 | 0 | 28 | 0.7% |
| Ethics and Campaign Disclosure Board | 1 | 0 | 2 | 0 | 3 | 0.1% |
| Executive Council | 0 | 0 | 0 | 0 | 0 | 0.0% |
| General Services | 2 | 0 | 0 | 2 | 4 | 0.1% |
| Human Rights | 1 | 0 | 1 | 0 | 2 | 0.1% |
| Human Services | 385 | 0 | 43 | 78 | 506 | 13.0% |
| Independent Professional Licensure | 4 | 0 | 0 | 1 | 5 | 0.1% |
| Information & Technology Services | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Inspections & Appeals | 16 | 0 | 6 | 0 | 22 | 0.6% |
| Iowa Communication Network | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Iowa Finance Authority | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Iowa Public Television | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Law Enforcement Academy | 0 | 0 | 1 | 0 | 1 | 0.0% |
| Lottery | 2 | 0 | 0 | 1 | 3 | 0.1% |
| Management | 4 | 0 | 1 | 0 | 5 | 0.1% |
| Natural Resources | 13 | 0 | 6 | 4 | 23 | 0.6% |
| Parole Board | 24 | 0 | 7 | 2 | 33 | 0.8% |
| Personnel | 6 | 0 | 4 | 1 | 11 | 0.3% |
| Professional Teachers Practice Commission | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Public Defense | 1 | 0 | 1 | 1 | 3 | 0.1% |
| Public Employees Relations Board | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Public Health | 6 | 0 | 12 | 2 | 20 | 0.5% |
| Public Safety | 20 | 0 | 5 | 0 | 25 | 0.6% |
| Regents | 24 | 0 | 6 | 3 | 33 | 0.8% |
| Revenue & Finance | 44 | 0 | 8 | 5 | 57 | 1.5% |
| Secretary of State | 2 | 0 | 3 | 0 | 5 | 0.1% |
| State Fair Authority | 1 | 0 | 0 | 0 | 1 | 0.0% |
| State Government (General) | 12 | 0 | 211 | 9 | 232 | 6.0% |
| Transportation | 47 | 0 | 16 | 8 | 71 | 1.8% |
| Treasurer | 4 | 0 | 0 | 0 | 4 | 0.1% |
| Veterans Affairs Commission | 2 | 0 | 2 | 1 | 5 | 0.1% |

| Department or agency | Jurisdictional Complaints | Non-jurisdictional Complaints | Information Requests | Pending | Total | Percent of total |
|---|---|---|---|---|---|---|
| Workforce Development | 24 | 0 | 13 | 5 | 42 | 1.1% |
| **State government - non-jurisdictional** | | | | | | |
| Governor | 0 | 6 | 2 | 0 | 8 | 0.2% |
| Judiciary | 0 | 143 | 26 | 3 | 172 | 4.4% |
| Legislature and Legislative Agencies | 0 | 4 | 6 | 0 | 10 | 0.3% |
| Governmental Employee-Employer | 0 | 27 | 1 | 2 | 30 | 0.8% |
| **Local government** | | | | | | |
| City Government | 397 | 0 | 49 | 69 | 515 | 13.2% |
| County Government | 487 | 0 | 35 | 84 | 606 | 15.6% |
| Metropolitan/Regional Government | 7 | 0 | 2 | 2 | 11 | 0.3% |
| Community Based Correctional Facilities/Programs | 186 | 0 | 7 | 15 | 208 | 5.4% |
| Schools & School Districts | 40 | 0 | 4 | 1 | 45 | 1.2% |
| **Non-Jurisdictional** | | | | | | |
| Non-Iowa Government | 0 | 92 | 18 | 8 | 118 | 3.0% |
| Private | 0 | 250 | 51 | 2 | 303 | 7.8% |
| **Totals** | **2281** | **522** | **684** | **400** | **3887** | 100.0% |