

PENAL AND CORRECTIONAL SYSTEMS JOINT SUBCOMMITTEE
OF THE
SENATE STANDING COMMITTEE ON JUDICIARY
AND THE
HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Report To Members of the
Second Session of the Sixty-seventh General Assembly

State of Iowa
1978

1977 FINAL REPORT
PENAL AND CORRECTIONAL SYSTEMS JOINT SUBCOMMITTEE
of the
SENATE STANDING COMMITTEE ON JUDICIARY
and the
HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

The Legislative Council approved creation of the Penal and Correctional Systems Joint Subcommittee to be composed of five members from the Senate Standing Committee on Judiciary and five members from the House Standing Committee on Judiciary and Law Enforcement.

The Co-chairpersons of the Penal and Correctional Systems Joint Subcommittee were Senator James M. Redmond and Representative Donald V. Doyle. Other legislators appointed to the Joint Subcommittee were Senator Forrest F. Ashcraft, Senator C. Joseph Coleman, Senator Richard R. Ramsey, Senator John Scott, Representative Betty Jean Clark, Representative Albert L. Garrison, Representative Julia B. Gentleman, and Representative Scott D. Newhard.

During the 1977 interim, the Penal and Correctional Systems Joint Subcommittee held a total of four meetings. In the course of its meetings, the Joint Subcommittee heard testimony on progress made in developing the long-range master-plan for corrections in Iowa, on the Crime Commission's progress in developing and implementing jail standards, on the status of and plans for community-based corrections in Iowa, and on various victim and witness programs operating in Polk County. The Joint Subcommittee heard testimony from the Prison Ombudsman and conducted a lengthy discussion with the Iowa Board of Parole. The Joint Subcommittee also considered the desirability of removing adult corrections from the Department of Social Services.

Recommendations to the Legislative Council made by the Penal and Correctional Systems Joint Subcommittee follow in two parts. Part 1 contains Joint Subcommittee recommendations for which bills have been drafted and attached to this report. Part 2 contains other Joint Subcommittee recommendations.

Part 1. Recommendations for which Joint Subcommittee bills have been drafted:

1. The General Assembly should pass House File 572 during the 1978 Session. House File 572 is an Act relating to work release programs for inmates of state institutions.

2. Section 356.14 of the 1977 Code should be amended to remove a sheriff's authorization to chain a disorderly prisoner in

a jail and a sheriff's authorization to feed him or her only bread and water.

3. The House members recommend that the Citizens' Aide should be allowed to examine documents which are otherwise confidential, but the Citizens' Aide should be subject to restrictions on maintaining further confidentiality of the documents. Section 601G.9 of the Code should be so amended and desexed.

4. The Division of Adult Corrections should reimburse a county for the temporary confinement of alleged work release or parole violators who are committed to the custody of the Director of the Division of Adult Corrections.

5. The new criminal code should be amended to continue the prior requirement that, upon conviction, the county where a conviction is obtained must pay the cost of transporting and temporarily confining a person committed to the custody of the Director of the Division of Adult Corrections.

6. Chapter 85 of the Code should be amended to provide workers' compensation for inmates of state penal institutions or facilities who are injured in the performance of their work in connection with the maintenance of the institution, an industry maintained therein, or a highway or public works activity outside the institution. If death results from such injury, death benefits should be awarded and paid to dependents of the inmate. Payment should be made out of moneys appropriated for that purpose or out of other moneys in the general fund of the state.

7. The Commissioner of the Department of Social Services should submit to the 1979 General Assembly a report indicating whether corrections is properly placed within the Department of Social Services or whether a separate department of corrections ought to be established to include the Board of Parole, penal institutions, juvenile probation, community-based corrections, and facilities for confining persons sentenced to serve one year or less of confinement.

Part 2. Other recommendations:

1. The Senate members recommend that the pay grade for liaison officers of the Board of Parole be raised to Grade 29 for attorney liaison officers and Grade 27 for nonattorney liaison officers.

2. Money should be appropriated for addition of another ombudsman to the Citizens' Aide Office. The Joint Subcommittee

further recommends that the Legislative Service Committee of the Legislative Council place this item on its agenda.

3. The Citizens' Aide should submit copies of reports of its investigations conducted at the Women's Reformatory at Rockwell City, along with responses from the Department of Social Services, to the Senate Standing Committee on Judiciary and the House Standing Committee on Judiciary and Law Enforcement during the 1978 Session.

4. The appropriate standing committee should consider proper fire, construction, and space standards for community-based corrections facilities. Some local inspectors are applying jail building standards to community-based corrections facilities.

5. The Department of Social Services should review its policies regarding incoming and outgoing mail for inmates of state institutions. Furthermore, the Joint Subcommittee specifically recommends that the Department consider using scanning machines that could detect contraband and thereby eliminate the need to open inmates' mail.

6. The Legislative Council should appoint a permanent Corrections Oversight Committee to review all work done with regard to prisons and jails in order to reduce duplication of effort and to provide continuity in corrections matters. Such a permanent corrections oversight committee could be patterned after the Administrative Rules Review Committee or a visitation committee composed of the chairpersons and vice-chairpersons of the Senate Standing Committee on Judiciary, the House Standing Committee on Judiciary and Law Enforcement, and appropriate appropriations subcommittees.

The minutes of the Joint Subcommittee meetings, written testimony presented to the Joint Subcommittee, and other supportive materials are on file at the Legislative Service Bureau. Drafts of Joint Subcommittee bills, a House Concurrent Resolution, and two Citizens' Aide's reports along with a response from the Department of Social Services are attached to this report.

APR 27 1977
Place On Calendar

HOUSE FILE 572

By COMMITTEE ON HUMAN RESOURCES

(Formerly Study Bill 249)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to work release programs for inmates of
2 institutions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred forty-seven A point five
2 (247A.5), Code 1977, is amended to read as follows:

3 247A.5 HOUSING FACILITIES. The department shall designate
4 and adopt facilities in the institutions and camps under its
5 jurisdiction for the housing of inmates granted work release
6 privileges. In areas where facilities are not within
7 reasonable proximity of the place of employment of an inmate
8 so released, the department may contract with the proper
9 authorities of political subdivisions of the state or suitable
10 public or private agencies for the quartering of the inmate
11 in local housing facilities provided however, that where such
12 public or private agencies are not available, work releasees
13 may be housed in approved residences. The committee shall
14 include as a specific term or condition in the work release
15 plan of any inmate the place where the inmate is to be housed
16 when not on the work assignment. The committee shall not
17 place an inmate on work release for longer than six months
18 in any twelve-month period without unanimous consent of the
19 committee. Inmates may be temporarily released to the
20 supervision of a responsible person on his or her own
21 recognizance in accordance with case needs, to participate
22 in family and selected community, religious, educational,
23 social, civic and recreational activities when it is determined
24 that the participation will directly facilitate the release
25 transition from institution to community.

26 EXPLANATION

27 This bill will allow work releasees to be temporarily
28 released on their own recognizance to participate in
29 appropriate community activities and it also allows for a
30 work release placement longer than six months with the
31 unanimous consent of the committee.
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PREPARED BY THE LEGISLATIVE SERVICE
BUREAU AT THE REQUEST OF THE PENAL
AND CORRECTIONAL SYSTEMS SUBCOMMITTEE
FOR RECOMMENDATION TO THE SENATE
COMMITTEE ON JUDICIARY

January, 1978

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act removing a sheriff's authorization to chain a
2 disorderly prisoner in a jail and a sheriff's authoriza-
3 tion to feed a prisoner only bread and water.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section three hundred fifty-six point fourteen
2 (356.14), Code 1977, is amended to read as follows:

3 356.14 REFRACTORY PRISONERS. If any person confined in
4 a jail is refractory or disorderly, or willfully destroys
5 or injures any part thereof or of its contents, the sheriff
6 may ~~chain-or~~ secure such person, or cause him or her to be
7 kept in solitary confinement, not more than ten days for any
8 one offense, during which time ~~he~~ the person may be fed with
9 ~~bread-and-water-only~~, minimum diet requirements as provided
10 by the department of social services unless other food is
11 necessary for the preservation of ~~his~~ the person's health.

12 Sec. 2. This Act is effective January 1, 1979.

13 EXPLANATION

14 The bill removes a sheriff's authorization to chain a
15 disorderly prisoner in a jail and a sheriff's authorization
16 to feed a prisoner only bread and water.

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PROPOSED HOUSE FILE _____

PREPARED BY THE LEGISLATIVE SERVICE
BUREAU AT THE REQUEST OF THE PENAL AND
CORRECTIONAL SYSTEMS JOINT SUBCOMMITTEE
FOR RECOMMENDATION TO THE HOUSE COMMITTEE
ON JUDICIARY AND LAW ENFORCEMENT

January, 1978

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to information by the citizens' aide.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred one G point nine (601G.9),
2 Code 1977, is amended to read as follows:

3 601G.9 POWERS. The citizens' aide shall have the fol-
4 lowing powers:

5 1. He The citizens' aide may investigate, on complaint
6 or on his or her own motion, any administrative action of
7 any agency, without regard to the finality of the admini-
8 strative action, except that he the citizens' aide shall not
9 investigate the complaint of an employee of an agency in
10 regard to that employee's employment relationship with the
11 agency.

12 2. He The citizens' aide may prescribe the methods by which
13 complaints are to be made, received, and acted upon; determine
14 the scope and manner of investigations to be made; and, subject
15 to the requirements of this chapter, he the citizens' aide
16 may determine the form, frequency, and distribution of his
17 or her conclusions and recommendations.

18 3. He The citizens' aide may request and shall be given
19 by each agency such assistance and information as may be
20 necessary in the performance of his or her duties. He The
21 citizens' aide may examine the records and documents of all
22 agencies ~~not specifically made confidential by law~~. If the
23 document is by law required to be kept confidential, the
24 citizens' aide shall have access to the document but shall
25 be subject to policies and penalties regarding maintaining
26 the confidentiality of the document. He The citizens' aide
27 may enter and inspect premises within any agency's control.

28 4. He The citizens' aide may issue a subpoena to compel
29 any person to appear, give sworn testimony, or produce
30 documentary or other evidence deemed relevant to a matter
31 under his or her inquiry. The citizens' aide, and his or
32 her deputy and his assistants shall have the power to
33 administer oaths to persons giving testimony before them.
34 If a witness either fails or refuses to obey a subpoena issued
35 by the citizens' aide, the citizens' aide may petition the

1 district court having jurisdiction for an order directing
2 obedience to the subpoena. In the event the court finds that
3 the subpoena should be obeyed, it shall enter an order
4 requiring obedience to the subpoena, and refusal to obey such
5 court order shall be subject to punishment for contempt.

6 Sec. 2. This Act is effective January 1, 1979.

7 EXPLANATION

8 The bill allows the citizens' aide to examine documents
9 which are otherwise confidential. The section is also desexed.

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PROPOSED SENATE FILE _____

PREPARED BY THE LEGISLATIVE SERVICE
BUREAU AT THE REQUEST OF THE PENAL
AND CORRECTIONAL SYSTEMS JOINT SUB-
COMMITTEE AND RECOMMENDED TO THE
SENATE STANDING COMMITTEE ON JUDICIARY

January, 1978

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the reimbursement of counties for the expense
2 of temporarily confining alleged work release or parole violators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter two hundred forty-seven A (247A), Code
2 1977, is amended by adding the following new section:

3 NEW SECTION. ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
4 TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult
5 corrections shall reimburse a county for the temporary
6 confinement of alleged violators of work release conditions
7 who are in the custody of the director of the division of
8 adult corrections. The amount to be reimbursed shall be
9 determined by multiplying the number of days so confined by
10 the average daily cost of confining a person in the county
11 facility. Payment shall be made upon submission of a voucher
12 executed by the sheriff and approved by the director of the
13 division of adult corrections. The money shall be deposited
14 in the county general fund to be credited to the jail account.

15 Sec. 2. Chapter nine hundred six (906), Code 1977
16 Supplement, is amended by adding the following new section:

17 NEW SECTION. ALLEGED PAROLE VIOLATORS--REIMBURSEMENT
18 TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult
19 corrections shall reimburse a county for the temporary
20 confinement of alleged parole violators. The amount to be
21 reimbursed shall be determined by multiplying the number of
22 days so confined by the average daily cost of confining a
23 person in the county facility. Payment shall be made upon
24 submission of a voucher executed by the sheriff and approved
25 by the director of the division of adult corrections. The
26 money shall be deposited in the county general fund to be
27 credited to the jail account.

28 Sec. 3. This Act is effective January 1, 1979.

29 EXPLANATION

30 The bill provides that the division of adult corrections
31 will reimburse a county for the expense of temporarily
32 confining alleged work release or parole violators in a county
33 facility.

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PROPOSED HOUSE FILE _____

PREPARED BY THE LEGISLATIVE SERVICE BUREAU AT THE REQUEST OF THE PENAL AND CORRECTIONAL SYSTEMS JOINT SUB-COMMITTEE AND RECOMMENDED TO THE HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT.

JANUARY, 1978 ;

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act amending the criminal code revision to provide that a
2 court shall order the county where a person was convicted
3 to pay the cost of temporarily confining and transporting
4 the person who is committed to the director of the division
5 of adult corrections.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section nine hundred one point seven (901.7),
2 Code 1977 Supplement, is amended to read as follows:

3 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of
4 confinement for more than one year, the court shall commit
5 the defendant to the custody of the director of the division
6 of adult corrections. Upon entry of judgment and sentence,
7 the clerk of the district court immediately shall notify the
8 director of such commitment. The court shall make such order
9 as is appropriate for the temporary custody of the defendant
10 pending the defendant's transfer to the custody of the
11 director. The court shall order the county where a person
12 was convicted to pay the cost of temporarily confining the
13 person and of transporting the person to the state institution
14 where he or she is to be confined in execution of the judgment.

15 Sec. 2. This Act, being deemed of immediate importance,
16 shall take effect and be in force from and after its
17 publication in The Sioux City Journal, a newspaper published
18 in Sioux City, Iowa, and in the Afton Star-Enterprise, a
19 newspaper published in Afton, Iowa.

20 EXPLANATION

21 The bill provides that the county where a conviction was
22 obtained must pay the cost of temporarily confining and
23 transporting a defendant who has been committed to the custody
24 of the director of the division of adult corrections.

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PROPOSED SENATE FILE _____

PREPARED BY THE LEGISLATIVE SERVICE
BUREAU AT THE REQUEST OF THE PENAL
AND CORRECTIONAL SYSTEMS JOINT SUB-
COMMITTEE AND RECOMMENDED TO THE
SENATE STANDING COMMITTEE ON JUDI-
CIARY.

JANUARY, 1978

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to provide workers' compensation for state inmates.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section twenty-five A point fourteen (25A.14),
2 Code 1977, is amended by adding the following new subsection:
3 NEW SUBSECTION. Any claim by an inmate as defined in section
4 five (5) of this Act.

5 Sec. 2. Section eighty-five point thirty-six (85.36),
6 subsection ten (10), Code 1977, is amended by adding the
7 following new lettered paragraph:

8 NEW LETTERED PARAGRAPH. If the employee was an inmate as
9 defined in section five (5) of this Act, the inmate's actual
10 earnings shall be disregarded, and the weekly compensation
11 rate shall be as set forth in section five (5) of this Act.

12 Sec. 3. Section eighty-five point forty-five (85.45), Code
13 1977, is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. Future payments of compensation
16 shall not be commuted to a present worth lump sum payment
17 when the employee is an inmate as set forth in section five
18 (5) of this Act.

19 Sec. 4. Section eighty-five point sixty-one (85.61),
20 subsection two (2), Code 1977, is amended by adding the
21 following new paragraph:

22 NEW PARAGRAPH. "Workman" or "employee" shall include an
23 inmate as defined in section five (5) of this Act.

24 Sec. 5. Chapter eighty-five (85), Code 1977, is amended
25 by adding the following new section:

26 NEW SECTION. For the purposes of this section, the term
27 "inmate" includes a person confined against his or her will
28 in a reformatory, state penitentiary, release center, or other
29 state penal or correctional institution while that person
30 works in connection with the maintenance of the institution
31 or in an industry maintained therein or while on detail to
32 perform services on a public works project.

33 If an inmate, in the performance of his or her work in
34 connection with the maintenance of the institution or in an
35 industry maintained therein or while on detail to perform

1 services on a public works project, is injured so as to
2 incapacitate him or her permanently, that inmate may, upon
3 being released from the institution either upon parole or
4 upon final discharge, be awarded only such benefits as are
5 provided in section eighty-five point twenty-seven (85.27)
6 and section eighty-five point thirty-four (85.34), subsections
7 two (2) and three (3) of the Code. The weekly rate for such
8 permanent disability shall be sixty-six and two thirds of
9 the inmate's average weekly wage. If death results from the
10 injury, death benefits shall be awarded and paid to the
11 dependents of the inmate as in other workers' compensation
12 cases except that the weekly rate shall be sixty-six and two
13 thirds of the inmate's average weekly wage. If a person who
14 is entitled to benefits by virtue of having been an inmate
15 at the time of the injury under this section is receiving
16 benefits under the provisions of this section and is
17 recommitted to an institution covered by this section, the
18 benefits shall immediately cease. However, the benefits shall
19 resume upon subsequent release from the institution. Payment
20 under this section shall be made promptly out of appropriations
21 which have been made for that purpose, if any. An amount
22 or part thereof which cannot be paid promptly from the
23 appropriation shall be paid promptly out of money in the state
24 treasury not otherwise appropriated.

25 The time limit for commencing an original proceeding to
26 determine entitlement to benefits under this section shall
27 be the same as set forth in section eighty-five point twenty-
28 six (85.26) of the Code. If an injury occurs to an inmate
29 so as to qualify the inmate for benefits under this section,
30 notwithstanding the fact that payments of weekly benefits
31 are not commenced, a memorandum of agreement shall be filed
32 with the industrial commissioner within thirty days of the
33 time the responsible authority receives notice or knowledge
34 of the injury as required by section eighty-five point twenty-
35 three (85.23) of the Code.

1 The extent of permanent disability to which an inmate is
2 entitled under this section shall be determined and weekly
3 compensation benefits commenced as of the time of the inmate's
4 release from the institution. If a dispute arises as to the
5 extent of disability when a memorandum of agreement is on
6 file or when an award determining liability has been made,
7 an action to determine the extent of disability must be
8 commenced within one year of the time of the release of the
9 inmate from the institution. This shall not bar the right
10 to reopen the claim as provided by section eighty-six point
11 thirty-four (86.34) of the Code.

12 Responsibility for the filings required by chapter eighty-
13 six (86) of the Code for injuries resulting in permanent
14 disability or death and as modified by this section shall
15 be made in the same manner as for other employees of the
16 institution.

17 Sec. 6. This Act is effective January 1, 1979.

18 EXPLANATION

19 The bill provides workers' compensation for state inmates.
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HOUSE CONCURRENT RESOLUTION NO. _____

By THE PENAL AND CORRECTIONAL SYSTEMS JOINT
SUBCOMMITTEE OF THE SENATE STANDING COM-
MITTEE ON JUDICIARY AND THE HOUSE STANDING
COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

1 WHEREAS, corrections matters are divergent and
2 complex; and

3 WHEREAS, corrections matters are important and need
4 close and careful attention; NOW THEREFORE,

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
6 THE SENATE CONCURRING, That the director of the depart-
7 ment of social services shall submit to the 1979 general
8 assembly a report indicating whether corrections is
9 properly placed within the department of social services
10 or whether a separate department of corrections ought to
11 be established to include the Board of Parole, state
12 penal institutions, juvenile probation, community-based
13 corrections, and facilities for confining persons
14 sentenced to serve one year or less of confinement.

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IN RE: ALLEGED IMPROPER RACIAL PRACTICES AND ATTITUDES
AT THE IOWA STATE WOMEN'S REFORMATORY, ROCKWELL CITY

The Citizens' Aide Office was requested by the Division of Adult Corrections of the Department of Social Services to make inquiry into alleged harassment of inmates by the staff at the Iowa Women's Reformatory. The allegations were directed to the division by an anonymous inmate letter and the Citizens' Aide was requested to investigate by the division on October 3, 1977.

The Citizens' Aide staff, Frank Thomas and Ray Cornell, made a visit to the institution on October 5, 1977 to interview inmates who had made allegations of a racial bias. Interviews were also conducted with the administrative staff.

The inmates interviewed alleged that the staff provided unequal treatment for the black inmates. This included disciplinary actions taken for infractions of rules, visiting privileges, and the day-to-day relationship between staff and inmates. The inmates were particularly concerned that the superintendent was racially biased and was causing that bias to be acted upon by the other staff members.

The allegations involved primarily visitation privileges and the disciplinary actions. We will attempt to look at both of these separately.

Regarding discipline, the CA found that any inmates accused of rule violations are taken before a disciplinary committee. It is quite easy for the inmates to develop the feeling that disciplinary actions are racially motivated as there are no black staff members at the institution at present. This is hardly surprising considering the isolated nature of the Reformatory and the fact that it is located in an all-white rural area. The nearest black

community is some twenty-five miles away at Fort Dodge. Given this situation, it is easy to understand that black inmates would tend to believe that actions taken against them are racially motivated.

The CA reviewed all the disciplinary actions and sanctions and could not find any substantial difference in treatment between the black inmates and white inmates. It was CA's opinion that the alleged difference in treatment is a product of inmate imagination. There was also information to indicate that the underlying tension was due to sexual role playing and inmate power struggles which occur on a periodic basis.

The CA does criticize the institutional director, Ted Wallman, who made some inappropriate statements to inmates on at least one occasion. The inmates had been involved in a disturbance and Wallman used language, normally defined as cursing, which was directed to the inmates. Upon reflection, Wallman decided that the use of this language was inappropriate and he issued the following apology:

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

The CA submits that this was really not an apology but served to aggravate the situation. The CA believes that Wallman should be more careful to use appropriate language in the future and should not tender apologies which he does not mean. However, there was no indication that Wallman's comments were directed to this

particular individual because of her race. The inmate is black but it is CA's opinion that Wallman would have been just as likely to make these comments about a white inmate.

The CA's investigation of the visiting problem also did not result in any conclusions that the staff had acted with any racial motivation. Visiting rules are made to handle all inmates regardless of color. Theoretically, the rules are equally enforced.

In looking at the enforcement of these rules, the CA discovered that some inmates did have visitors who are known to be actively involved with drugs outside of the institution. As a consequence, those people are more closely watched than other visitors. Visitors with documented drug involvement have, in the majority of cases, been black. However, not all of the persons who have been under scrutiny and subjected to stringent searches have been black.

One major problem in enforcement of visiting regulations at Rockwell City is due to the physical structure of the Reformatory. There is no perimeter security such as at the Men's Reformatory or the State Penitentiary which allows the holding and searching of visitors before entry. At the Women's Reformatory vehicles are brought onto the grounds with easy access to them by inmates and visitors. This does not occur at the Men's Reformatory or the Penitentiary. It is the CA's opinion that better perimeter security needs to be instituted at the Women's Reformatory.

The CA has been assured by the superintendent that more stringent visitation security will be instituted in the near future. This will include searches of everyone coming to the institution and, in some instances, more intrusive searches. It is the CA's opinion that this will go far toward resolving the problems which have arisen in this area and increase the overall safety of the general inmate population.

Although the CA could not find evidence that racial motivation was involved with searches, this does not mean that there has not been any racial motivation. If a system is allowed to be used for specific enforcement for specific persons, such as the suspected drug carriers in this situation, it is more likely to receive complaints of abuse. Racial bias can be extremely subtle and difficult to detect. Because the system which was used was haphazard and random, it did foster complaints; black inmates could perceive (and did) racial prejudice that, in fact, does not exist. It is the CA's opinion that the basis for such perceptions could be removed by searching every visitor and assuring that no visitor is allowed to return to his vehicle except for the termination of a visit.

The CA concludes that the complaints made by the inmates of the Women's Reformatory are not based on fact. However, the CA also concludes that it is possible for the inmates to form these opinions due to the haphazard fashion in which security measures have been taken. The CA also concludes that the institution has been faced with a reality in recent months which it has not confronted heretofore. That reality is the receiving of more inmates with drug involvement and drug connections in the community. The institution must respond by taking more stringent measures regarding visiting and overall inmate contact with persons outside the institution.

The Citizens' Aide recommends that the Women's Reformatory seek out and obtain more minority staff. This is consistent with the position of the Department of Social Services on affirmative action for hiring.

The Citizens' Aide also recommends that the institution immediately promulgate and enforce rules for stringent regulation of visitors at the Reformatory.

In a separate conclusion, the Citizens' Aide also finds that the superintendent acted inappropriately in making certain comments to inmates regarding their ancestry and their behavior patterns. The CA also finds that the apology made necessary by those comments was not an apology but was an attempt by the superintendent to continue to strike at this particular inmate for his own personal reasons. The CA does not believe that this action was racially motivated but the circumstance lent itself to allegations that the comments were racial in nature.

The Citizens' Aide recommends that the Department of Social Services, Division of Corrections, should examine the behavior of the superintendent in this specific instance and determine whether disciplinary action is warranted.

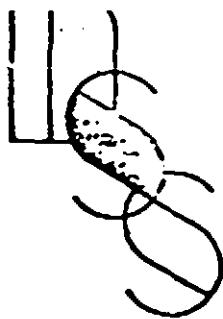
Investigated by:

Frank Thomas and Ray Cornell
Legal Analyst Deputy for Corrections

Approved by:

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

November 23, 1977



STATE OF IOWA

Department of Social Services

LUCAS STATE OFFICE BUILDING DES MOINES, IOWA 50319

ROBERT D. RAY
Governor

KEVIN J. BURNS
Commissioner

RECEIVED
77-1107
DEC - 2 1977

December 1, 1977

IOWA CITIZENS AIDE OFFICE

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

Dear Mrs. Mosher:

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

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

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

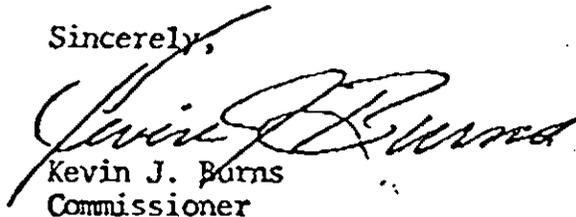
Mrs. Ruth Mosher
December 1, 1977
Page 2

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

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

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

Sincerely,



Kevin J. Burns
Commissioner

KJB/REM/jr

FOR RELEASE TO THE NEWS MEDIA

2

RE: CRITICAL REPORT ON WOMEN'S REFORMATORY, ROCKWELL CITY

On October 17, 1977, the Citizens' Aide/Ombudsman received a complaint from a prisoner at the Iowa Women's Reformatory. She alleged that Superintendent Ted Wallman had violated the terms of an agreement between them and that he was harassing her.

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

Several years ago Wallman established the Contract Release Program (CRP) on a one dollar per year honorarium contract to provide educational opportunities for inmates at the Women's Reformatory. It is assumed that this was done with the knowledge and cooperation of the Department of Social Services.

On October 26, 1977, CA staff members Ray Cornell and Frank Thomas interviewed Superintendent Wallman and took sworn testimony from inmates assigned to the Community College program.

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

This testimony indicated that Pringle had sexual intercourse with this inmate on several occasions and that he had allegedly provided her with alcoholic beverages and marijuana. He also gave her

approximately \$410 in cash and items of clothing. Of this amount, \$200 was given to her on one occasion supposedly to obtain an abortion. Later the inmate admitted that she was not pregnant. A portion of this money was used to purchase the cocaine. Testimony revealed that the cocaine, concealed in her vagina, was smuggled into the institution by the inmate.

Further testimony indicated that a number of other inmates were allegedly using alcoholic beverages, specifically beer, while on the ICCC campus. Inmate students were purchasing beer at a filling station near the campus.

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

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

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

On November 2, 1977, CA staff member, Ray Cornell, took sworn testimony from Larry Pringle. Pringle admitted under oath that he had provided alcohol to the inmate and had taken her off campus for the purpose of sexual intercourse. He denied providing her with

drugs. He admitted giving her money and purchasing items of clothing for her. He denied having sexual intercourse with other inmate students.

Pringle's testimony also brought out the fact that Bureau of Criminal Investigation Agents, Ron Forrest and John Blessman, took testimony from him on October 10, 1977 relative to this matter. Pringle was given an immunity from public court testimony in return for his statement to the BCI. That agreement was signed by Pringle and witnessed by John W. Blessman, Special Agent, BCI.

CONCLUSIONS

1. Superintendent Wallman admitted that there was an agreement entered into between himself and the inmate complainant. That agreement was that she would be an informant for him. CA concludes that there is a great deal of risk in the use of informants and they should not be used unless the physical safety of the informant can be assured. CA concludes further that this agreement was made under duress and that it was inappropriate for Wallman to dismiss disciplinary reports in exchange for informant information. Possible loss of contract release and/or parole leads us to conclude that the inmate's participation in this agreement was not voluntary.
2. It is CA's conclusion that the Contract Release Program (CRP) was created to serve a worthwhile purpose; to provide educational opportunities for inmates of the Women's Reformatory. Educational opportunities in the past have not been adequate. However, CA can find no legal authority for such a contract. Each time an individual assigned to the program goes to the Community College, she could be considered to be on escape.
3. The Contract Release Program provides a vehicle for contraband smuggling, the scope of which could be more extensive than that which CA was able to document.
4. Pringle violated Iowa law by:
 - a. providing an inmate with alcoholic beverages,
 - b. providing her with money, some of which was used to purchase drugs,
 - c. taking her out of place of assignment which could constitute aiding and abetting an escape, and
 - d. although Iowa law apparently does not specifically address the issue of having sexual intercourse with an inmate, it is implicitly prohibited.

RECOMMENDATIONS

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

7. That routine searches of all inmates be made each time they return from the ICCC campus. (Including vaginal and rectal examinations when indicated.) All carried items should also be examined.
8. That if the program is found to be illegal and is eliminated steps be taken to establish another program to provide equivalent educational opportunities.
9. That the Department of Social Services, Division of Corrections, review the superintendent's actions in this situation.
10. That the President of the Iowa Central Community College and the appropriate authority in the Veterans Administration be apprised of Larry Pringle's involvement in this matter, in order that they might take whatever disciplinary action is appropriate to his misconduct.

Investigated by:

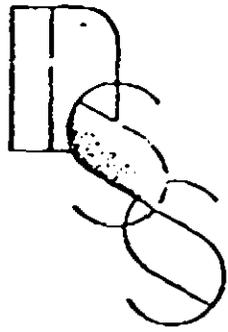
Ray Cornell
Deputy for Corrections

and Frank Thomas
Legal Analyst

Report by:

Ruth L. Mosher
Acting Citizens' Aide

December 1, 1977



STATE OF IOWA

Department of Social Services

LUCAS STATE OFFICE BUILDING DES MOINES, IOWA 50319

ROBERT D. RAY
Governor

KEVIN J. BURNS
Commissioner

RECEIVED

December 16, 1977

DEC 16 1977

IOWA CITIZENS AIDE OFFICE

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

Dear Mrs. Mosher:

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

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

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

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

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

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

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program.

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

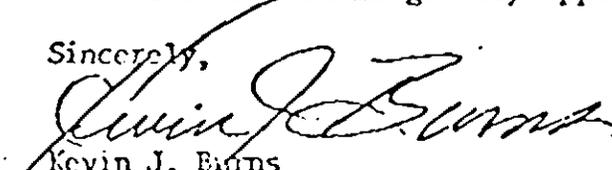
As has been appropriately pointed out by the Citizens' Aide, additional educational program opportunities have been initiated by the Women's Reformatory with two college courses commencing January 9, 1978 to be taught at the institution. These courses do not depend on whether or not the Contract Release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

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

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

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

Sincerely,


Kevin J. Burns
Commissioner