

F I N A L R E P O R T

JAIL STANDARDS JOINT SUBCOMMITTEE

January, 1982

The Legislative Council approved the creation of the Jail Standards Joint Subcommittee of the Senate and House Standing Committees on County Government which is composed of ten members.

The members of the Subcommittee are:

Senator James Briles, Co-chairperson
Representative Arlyn Danker, Co-chairperson
Senator Jack Hester
Senator Berl Priebe
Senator James Wells
Senator Sue Yenger
Representative Donald Binneboese
Representative Clifford Branstad
Representative Myron Oxley
Representative Robert Renken

At the Joint Subcommittee's first meeting held on September 9, 1981, the Subcommittee received testimony from the following people:

1. Bill Marten, Grundy County Sheriff, representing the Iowa Sheriffs and Deputies Association, concerning the administrative rules proposed by the Department of Social Services, regarding jail standards.

2. Lynn Ford, Pottawattamie County Sheriff; Bill Havenhill, Louisa County Sheriff; Jim Schwiesow, Sioux County Sheriff; John Sterns, Clarke County Sheriff; and John Stark, Story County Sheriff, concerning the proposed administrative rules proposed by the Department of Social Services.

3. Gordon Plepha of the South Area Crime Commission concerning legislative proposals on: investing money in a fund to defray costs of building new jail facilities in the future, utilizing a support planning agency to assist with the improvement of jails, and repealing the strip search legislation recently enacted.

4. Etta Cain of the Iowa Crime Commission concerning a survey developed by the Commission relating to county jail needs assessment and explaining that the Commission provides assistance in correction personnel training and grants to counties for improvement of jails.

5. George Keiser, Deputy Director of Corrections within the Department of Social Services, explaining the history, process, and rationale for the proposed administrative rules for jail standards.

6. Charles Krogmeier of the Lee County Board of Supervisors expressing concern regarding several of the proposed rules for jail standards.

7. Senator Forrest Schwengels concerning his suggestion relating to permitting the evaluation of compliance relating to jail standards to be performed by an independent agency rather than the Department of Social Services.

The Subcommittee requested that representatives of the Iowa Association of County Supervisors, the Iowa Sheriffs and Deputies Association, and the Department of Social Services meet and agree upon a new version of the proposed administrative rules for jail standards and present the new version at the second meeting of the Subcommittee.

The Subcommittee's second and final meeting was held October 5, 1981. At that meeting the Subcommittee heard from the representatives of the Iowa Association of County Supervisors, the Iowa Sheriffs and Deputies Association, and the Department of Social Services explaining the agreement reached on a new version of the proposed administrative rules for jail standards.

The Subcommittee recommended to the Administrative Rules Review Committee that the Committee approve the proposed administrative rules for jail standards. The Subcommittee also adopted a bill draft which is attached to this report relating to the civil liability regarding the proposed administrative rules.

PROPOSED HOUSE/SENATE FILE _____

BY (PROPOSED COUNTY GOVERNMENT
COMMITTEE BILL BY THE JAIL
STANDARDS JOINT SUBCOMMITTEE)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the remedy for violation of a rule pro-
2 viding a minimum standard for the regulation of jails
3 and alternative jails.

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

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1 Section 1. Section 356.36, Code 1981, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The sole remedy for violation
4 of a rule adopted pursuant to this section is by a proceeding
5 for compliance initiated by request of the department of
6 social services. A violation of a rule does not permit any
7 civil action to recover damages against the state of Iowa,
8 its departments, agents, or employees or any county, its
9 agents or employees.

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EXPLANATION

11 This bill limits the remedy for violation of a rule adopted
12 by the department of social services concerning minimum
13 standards for the regulation of jails and alternative jails,
14 to a proceeding for compliance initiated at the request of
15 the department of social services. The bill takes effect
16 July 1 following its enactment.

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