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Ombudsman Concludes Sanctions Against Inmate were Excessive, Identifies Systemic Problems with Prison Disciplinary Practices

DES MOINES – The Iowa Department of Corrections’ (DOC) encouragement of an “open-door policy” between its prison staff and administrative law judges (ALJ) differs from other state agencies and violates inmates’ due-process rights in disciplinary hearings, the Office of Ombudsman has concluded.

That was one of several key findings of a report issued today by the Ombudsman following its investigation of an inmate’s disciplinary case at the Fort Dodge Correctional Facility (FDCF). The 39-page report, entitled “Neither Fair Nor Impartial,” also expressed concerns with DOC’s practice of determining the seriousness of rule violations at the end of the inmate disciplinary process, rather than the beginning.

Under state and federal law, prison inmates who face an extension of their prison sentences through disciplinary proceedings are entitled to an impartial decision-maker and advance notice of the specific allegations against them. The Ombudsman concluded that both of those legal requirements were violated in the case of former FDCF inmate Randy Linderman.

DOC declined to accept any of the Ombudsman’s nine recommendations to rectify Linderman’s complaint and to repair or clarify its disciplinary policies and practices.

Ombudsman Ruth Cooperrider said she was disappointed with DOC’s response, which offered little explanation for its decision.

“I believe we laid our cogent reasons and legal principles from court cases in support of our conclusions,” Cooperrider said. “It concerns me that DOC is not willing to take any of the steps I recommended to ensure fair and impartial disciplinary proceedings and compliance with its policies.”

DOC's questionable practices came into focus during the Ombudsman's investigation of a complaint filed in 2008 by Linderman, who alleged that his sanctions were unfair and unreasonable. Linderman twice bumped chests with a correctional officer during an argument that witnesses said was provoked by the officer. An ALJ found Linderman guilty of assault and sanctioned him to 180 days of disciplinary detention (the maximum allowed by DOC policy) and 180 days loss of earned time (twice the maximum allowed by policy). When the Ombudsman questioned the appropriateness of the sanctions and suggested reductions, DOC officials refused; the ALJ then revised her decision and elevated the offense. That prompted the Ombudsman to launch a more expansive investigation.

The Ombudsman later discovered that Warden Cornell Smith had privately suggested sanctions to the ALJ before Linderman's hearing and before either had reviewed all of the evidence. After the ALJ ruled on the case, Smith fielded and rejected Linderman's appeal, without revealing that he had suggested sanctions to the ALJ.

Smith also acknowledged that no one investigated witness accounts that the correctional officer had provoked Linderman's outburst.

DOC General Counsel Michael Savala said he was not troubled by the revelation that the warden had suggested the ALJ impose a specific sanction. "I don't think that influences the fairness of the hearing," Savala told us in a sworn interview.

When the Ombudsman requested a sworn interview with the ALJ to ask her about the warden's actions, then-DOC Director John Baldwin repeatedly refused to allow it. The Ombudsman then filed suit against DOC to compel the ALJ's testimony. After years of delay in the investigation, the Iowa Supreme Court issued a decision that called the actions of the warden and ALJ "improper" and ordered the ALJ to answer the Ombudsman's questions under oath.

Still, DOC left Linderman's sanctions unchanged.

Cooperrider said, "Despite DOC's resistance, I remain hopeful DOC officials will be responsive to our inquiries and give genuine consideration to the concerns we raise in our investigations."

Copies of the Ombudsman's report are available at the Ombudsman's website at www.legis.iowa.gov/Ombudsman.

The Iowa Office of Ombudsman investigates the administrative actions of most state and local government agencies in Iowa, in response to complaints or on its own motion. Iowans can contact the Ombudsman at (515) 281-3592. Callers living outside the Des Moines area can call toll-free at (888) 426-6283. The office has a TTY that can be reached at (515) 242-5065.