

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
 CAPITOL COMPLEX
 215 EAST 7TH STREET
 DES MOINES, IOWA 50319-0231
 (515) 281-3592

WILLIAM P. ANGRICK II
 CITIZENS AIDE OMBUDSMAN

In reply, please refer to:

CITIZENS' AIDE/OMBUDSMAN

Proposed Allocation
 1991-92 Fiscal Year

	ACTUAL FY-90 -----	REVISED FY-91 -----	FY-92 REQUEST -----
Personal Services	\$369,508	\$468,218	\$517,900
Travel	11,834	12,500	15,200
Office Supplies	13,650	8,500	13,530
Printing	1,013	2,500	1,200
Communications	14,468	15,500	15,800
Rental	-	250	250
Professional Services	7,196	2,500	2,500
Advertising	522	500	500
Office Equipment	25,358	13,994	18,285
Other (Office Remodeling)	-	1,000	2,000
	=====	=====	=====
Total Expend	\$443,549	\$525,462	\$587,165*
	=====	=====	=====
% Change	2.7	18.5	11.7
FTE's	10.3	12.3	12.0

*see attached

CITIZENS' AIDE/OMBUDSMAN
 FY-92 Budget Request Breakdown

ITEM -----	DOLLARS -----	ASSUMPTIONS -----
Personal Services	\$517,900	*Base salaries and benefits *COLA at 4%, effective 7/1/91 *Merit by salary review dates *No vacancies on TO *No new positions
Travel	15,200	*Increased travel to all state institutions (prisons, MHI's, juvenile facilities, veterans' home and state hospital-schools) *In-state conferences and seminars *Out-of-state conferences and seminars
Office Supplies	13,530	*Maintains current level of operation
Printing	1,200	*Maintains current level of operation
Communications	15,800	*Maintains current level of operation based upon new General Services communications system
Rental	250	*Maintains current level of operation
Professional Services	2,500	*Maintains current level of operation
Advertising	500	*Maintains current level of operation
Office Equipment	18,285	*Computer and office machine service contracts *Purchase and installation of one new computer system
Other (Office remodeling)	2,000	



SANFORD B. SCHARF
DIRECTOR
515-281-7840

LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA
50319

STATE OF IOWA

LEGISLATIVE COMPUTER SUPPORT BUREAU

Proposed Allocation
1991-92 Fiscal Year

	ACTUAL FY '90 -----	REVISED FY '91 -----	REQUEST FY '92 -----
Personal Services	\$ 221,877	\$ 324,430	\$ 413,179
Travel, Subsistence and Education	8,712	20,000	20,000
Office Supplies	5,500	19,500	19,500
Office Equipment	6,829	13,000	13,000
Communications	7,040	10,000	10,000
Rentals	-0-	1,000	1,000
Outside Maintenance, Repairs/Service	418,694	454,000	500,000
Data Processing, Hardware and Software	521,257 -----	429,000 -----	370,500 -----
Total Expenditures	\$1,189,909 =====	\$ 1,270,930 =====	\$ 1,347,179 =====
% CHANGE	7.5	6.8	6.0
FTE'S	6.4	8.4	9.4

Legislative Computer Support Bureau (FY-92 Budget Request Breakdown:)

ITEM	DOLLARS	ASSUMPTIONS
Salaries	\$413,179	*Cola, effective 7-1-91 *Merit steps based upon salary review *All 9.4 FTE positions will be filled *One new position based upon need analysis *Reclassifications & promotions
Travel	20,000	*maintain current level of training, seminars and conferences attended by staff
Office Supplies	19,500	*maintain current level of operation
Office equipment	13,000	*maintain current level of operation
Communications	10,000	*maintain current level of operation
Rentals	1,000	*maintain current level of operation

Outside Maintenance, Repairs/Service \$ 500,000

Anticipated maintenance charges for computer equipment including laser printers	\$ 400,000
Anticipated maintenance increases	\$ 40,000
Anticipated software upgrade	\$ 40,000
Anticipated off hours maintenance	\$ 20,000

Data Processing Hardware and Software \$ 370,500

Anticipated Software Charges	\$ 125,000
Anticipated additional disk storage	\$ 90,000
Remainder of LSB, House and Senate Central Staff PC's. Network upgrade plus additional network hardware. Software on LAN for groupware.	\$ 155,500



DENNIS C. PROUTY
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

**Proposed Allocation
1991-92 Fiscal Year**

	<u>FY-90 ACTUAL</u>	<u>FY-91 REVISED</u>	<u>FY-92 REQUEST</u>
Personal Services	\$ 1,048,418	1,190,000	\$ 1,250,000
Travel	19,439	17,000	25,000
Office Supplies	63,947	37,000	45,000
Communications	16,751	18,000	20,000
Rental	0	10,000	10,000
Office Equipment	77,934	30,500	35,000
Other-(Outside Services/Repairs)	<u>37,196</u>	<u>28,500</u>	<u>35,000</u>
Total Expenditures	<u>\$ 1,263,685</u>	<u>1,331,000</u>	<u>\$ 1,420,000 *</u>
% of Change	15.3%	5.3%	6.7%
FTE's	26.00	26.10	26.50

*See Attached

LFB
G:\Bud92
8/30/90

FY-92 Budget Request Breakdown:

<u>ITEM</u>	<u>DOLLAR</u>	<u>ASSUMPTIONS</u>
Salaries	\$1,250,000	<ul style="list-style-type: none"> * Cola (4%), effective 7-1-91 * Merit steps based on salary review dates * All 26.5 positions will be filled * No new positions requested * Includes approximately \$15,000 in reallocations/promotions
Travel	\$25,000	* Reflects the normal level of training, conferences, seminars, etc. attended by LFB staff
Office Supplies	\$45,000	* Maintains the current level of operation
Communications	\$20,000	* Maintains the current level of operation based on new GS communications system
Rental	\$10,000	* Maintains the current level of operation
Office Equipment	\$35,000	* Maintains the current level of operation
Other	\$35,000	* Includes the following:
Outside Service-\$25,000		Maintain current level of operation
Outside Repair -\$10,000		<ul style="list-style-type: none"> Outside Services \$25,000 *Revenue Est *Salary Proj *Software Outside Repair \$10,000

GENERAL ASSEMBLY OF IOWA



LEGAL DIVISION

UGLAS L. ADKISSON
AIDA AUDEH
MARY M. CARR
JULIE A. SMITH CRAGGS
MICHAEL J. GOEDERT
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RESEARCH DIVISION

PATRICIA A. FUNARO
THANE R. JOHNSON
JOHN C. POLLAK

ADMINISTRATIVE CODE DIVISION

LUCAS BUILDING 515 281-5285
PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

LEGISLATIVE INFORMATION OFFICE

CAPITOL BUILDING 515-281-5129
JULIE E. E. LIVERS
DIRECTOR

IOWA CODE DIVISION

LUCAS BUILDING 515 281-5285
JoANN G. BROWN
IOWA CODE EDITOR
JANET L. WILSON
DEPUTY IOWA CODE EDITOR

LEGISLATIVE SERVICE BUREAU

STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566
DIANE E. BOLENDER, DIRECTOR
RICHARD L. JOHNSON, DEPUTY DIRECTOR

Proposed Allocation 1991-92 Fiscal Year

	FY-89 ACTUAL	FY-90 ACTUAL	FY-91 REVISED	FY-92 REQUEST
Personal Services	\$ 1,740,368	\$ 1,870,034	2,347,015	\$ 2,461,500
Travel & Subsistence	29,505	20,958	29,000	34,000
Office Supplies	74,530	69,878	78,000	82,000
Other Supplies	2,500	1,438	3,000	3,200
Printing & Binding	876,529	488,128	898,600	560,000
Uniforms & Related Items	1,440	1,467	1,800	1,900
Communications	24,859	27,644	33,000	38,000
Rental	1,646	1,394	3,000	3,000
Professional & Scientific	9,231	6,839	7,000	9,000
Outside Services	3,866	3,020	4,300	4,500
Advertising & Publicity	1,555	1,698	1,750	2,000
Equipment	43,338	31,765	30,000	35,000
Other-(Outside Services/Repairs)	20,924	18,711	22,000	24,000
Total Expenditures	<u>\$ 2,830,291</u>	<u>\$ 2,542,974</u>	<u>3,458,465</u>	<u>\$ 3,258,100 *</u>
% of Change		-10.2%	36.0%	-5.8%
% of Change(excluding printing)		5.2%	24.6% **	5.4%
FTE's	72.00	72.20	75.20	75.20

*See Attached Breakdown

**Extraordinary amount reverted due to two vacant management positions,
other vacant positions, and deferred purchases during tenure of Acting Director.

LSB92
8/30/90

FY-92 Budget Request Breakdown:

<u>ITEM</u>	<u>DOLLAR</u>	<u>ASSUMPTIONS</u>
Salaries	\$2,461,500	<ul style="list-style-type: none"> * Cola (4%), effective 7-1-91 * Merit steps based on salary review dates * No new positions requested * Includes approximately \$11,000 in reallocations/promotions
Travel	\$34,000	<ul style="list-style-type: none"> * Maintains the normal level of training, conferences, seminars, and travel for LSB staff; contemplates increased airfares
Office Supplies	\$82,000	<ul style="list-style-type: none"> * Provides additional funding for increased paper costs, for postage, and for office supplies for reapportionment work
Other Supplies	\$3,200	<ul style="list-style-type: none"> * Maintains current level of funding for film and film processing and other non-office supply purchases
Printing & Binding	\$560,000	<ul style="list-style-type: none"> * Provides funding for publishing Code Supplement, other legal publications, administrative publications, and legislative information publications
Uniforms & Related Items	\$1,900	<ul style="list-style-type: none"> * Maintains current level of funding for purchasing tour guide and page uniforms
Communications	\$38,000	<ul style="list-style-type: none"> * Provides additional funding for telephone system improvements
Rentals	\$3,000	<ul style="list-style-type: none"> * Maintains the current level of funding for copier rental
Professional & Scientific	\$9,000	<ul style="list-style-type: none"> * Maintains current level of funding for computer consultant services and other professional services
Outside Services	\$4,500	<ul style="list-style-type: none"> * Maintains current level of funding for tuition, training, and uniform dry cleaning
Advertising & Publicity	\$2,000	<ul style="list-style-type: none"> * Maintains current level of funding for advertisements for vacant positions
Outside Repairs/Services	\$24,000	<ul style="list-style-type: none"> * Maintains current level of funding for equipment maintenance contacts and necessary repairs
Equipment	\$35,000	<ul style="list-style-type: none"> * Provides funding for purchases delayed due to 2% FY-91 reductions, for computer software purchases, for microfilming, and for replacement of worn-out office chairs and other equipment

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WILLIAM P. ANGRICK II
CITIZENS AIDE / OMBUDSMAN

In reply, please refer to:

September 12, 1990

John Connors, Chair
Service Committee, Legislative Council
State Capitol
LOCAL

Dear Representative Connors:

Administrative Report

Three reports regarding legal services to prisoners have been completed after visits to neighboring states' prison systems by Clarence Key, Jr. and Randy Meline of my staff. Copies of those reports are available to Committee members upon request.

I wish to advise the Committee we are discussing with Kathy Williams, Director, Records Management Division, Department of General Services, the assumption by CA/O of part of the Micrographics Section of the building we share.

I copied you with my July 5, 1990 letter to Ms. Williams expressing an interest in the "jacketing room" and proposing CA/O assumption of reasonable relocation costs for Records Management. Ms. Williams responded with alternative space suggestions. Rough plans, due to structural obstacles, indicate a \$22,000 estimate for Ms. Williams' proposed option and a \$25,000 estimate for the one I initially suggested. Upon consideration I believe Ms. Williams' proposal is the preferred option.

Since Records Management would be accommodating the Ombudsman's space needs, I believe primary responsibility for the costs should fall upon this office. However, the remodeling estimate is significantly higher than I had anticipated and we would need a supplemental appropriation to undertake this project. Project design and cost estimates are still in flux.

John Connors, Chair
September 12, 1990
Page 2

At the present time I request appointment of a subcommittee of the Service Committee to undertake a site visit to the building and ascertain if the needs and proposals are as we see them, or if other alternatives may be more feasible.

Sincerely,



William P. Angrick II

WPA:jg

Encl.

cc: Service Committee
Diane Bolender, Secretary, Legislative Council

STATE OF IOWA



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215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE OMBUDSMAN

In reply, please refer to:

June 1, 1990

To: Special Committee Members
(Providing Legal Services to Prisoners)

From: Clarence Key, Jr., Assistant for Corrections
(Prison Ombudsman)

Randy Meline, Assistant
Citizens' Aide/Ombudsman

Based on what we heard and learned at the Bar Association seminar April 9, 1990 concerning the upsurge in 1983 filings by Iowa inmates, and various reports about the superiority of the Minnesota prison system, we traveled to Minnesota in May and toured their major adult correctional institutions. We interviewed wardens and administrative officials, cellhouse coordinators, correctional officers, hearing officers, institutional investigators, lawyers, prison industry supervisors, inmates and many others in an effort to gain a broad understanding of their system.

Our trip to Minnesota was coordinated with assistance from the Minnesota Ombudsman for Corrections. This is an Ombudsman operation with approximately the same staff size as our own - an Ombudsman and five assistants. They deal only with corrections issues whereas we entertain complaints about all areas of state and local government. Each staff member of the Minnesota Ombudsman's Office has specific institutional assignments and enjoys nearly daily presence at those institutions - all located within a few miles of St. Paul, where their office is located. We also have institutional assignments but, in addition to other case work, we must juggle responsibilities to visit our institutions approximately once per month.

During our three-day trip we visited the Minnesota State Prison, at Stillwater; Minnesota State Prison, at Oak Park Heights; Minnesota Corrections Institution for Women, at Shakopee; and the Minnesota State Reformatory for Men, at

St. Cloud. Specifically, we looked closely at the institutional-level, disciplinary, due-process system and compared it to our own. The comparison proved to be extremely interesting. We now believe it is possible that the differences in these two systems may be, at least in part, responsible for the disparateness in numbers of 1983 Prisoner Civil Rights filings between Iowa and Minnesota.

42 U.S.C. 1983 Inmate Civil Rights filings:

1987 - Minnesota	(total) =	59
Iowa (Northern District)	=	70
(Southern District)	=	<u>325</u>
	(total) =	395
1988 - Minnesota	(total) =	60
Iowa (Northern District)	=	110
(Southern District)	=	<u>268</u>
	(total) =	378
1989 - Minnesota	(total) =	53
Iowa (Northern District)	=	103
(Southern District)	=	<u>399</u>
	(total) =	502

(These statistics are reported in the Federal Judicial Workload Statistics Report, available through the Statistical Analysis and Reports Division, Washington, D.C.)

We noted two major differences between the Minnesota disciplinary due-process system and the Iowa system. In Minnesota free legal help is provided to any inmate desiring representation at the institutional, disciplinary level. These attorneys comprise a division of the Minnesota Public Defender's office known as the Legal Advocacy Project (LAP). When a disciplinary report is written and an inmate is charged with a rule infraction, he or she may request a consultation with a LAP attorney. Based on the result of that discussion the inmate may request that the LAP attorney represent him/her in the fact-finding stage and/or at a formal disciplinary hearing. These LAP attorneys are permanently assigned to process disciplinary legal work at specific prisons and they are at the prisons nearly every day. They are responsible only for defending inmates in the disciplinary forum - not in court.

In Iowa there is no free legal representation available to inmates at the disciplinary level. Our inmates may hire their own private attorneys for representation at disciplinary hearings or they may represent themselves.

Because of this basic systemic difference - the introduction of impartial public defenders - and a second basic difference, it appears that Minnesota inmates are more likely to seek administrative resolution in the quasi-judicial, disciplinary due-process system than are Iowa inmates.

This general willingness to seek informal remedy to institutional complaints is promoted to a great extent in Minnesota by a second major difference in their disciplinary due-process system, an additional step which does not exist in the Iowa system. The institutional level equivalent to county attorneys - Department of Correction's employees called prosecutors - are authorized to negotiate with inmates charged with rule infractions and offer administrative plea bargains, depending on the circumstances of an offense, the strength of the evidence and witnesses and other factors. At the time correctional officers write incident reports, these prosecutors and/or their investigative staff members, meet with the inmate informally and offer, in essence, a deal. If the inmate admits guilt or a level of guilt and waives further disciplinary proceedings, he/she may play an important role in what punishment is meted out. Each specific rule infraction has a corresponding punishment sanction range and based upon the facts of the case the prosecutor will offer a less or more severe punishment - usually segregation time and good time loss. If the inmate does not admit guilt, he/she may go on to a formal disciplinary hearing, with or without a LAP attorney.

In 1989 only seven percent of all disciplinary cases proceeded to the hearing stage; 93 percent were settled informally.

Based on our interviews with institutional staff and inmates it appears there is a definite perception of fairness prevalent in the Minnesota due-process system that currently does not exist in Iowa. Inmates in our system have apparently become sufficiently disgruntled with the institutional-level, quasi-justice system and now turn to the federal courts for answers and changes.

This institutional, disciplinary justice system in Minnesota has evolved from a federal court consent decree handed down in 1973. That decree - the result of inmates' complaints about the fairness of disciplinary due process - is the basis of the Minnesota system. All Department of Corrections policies and institutional rules on due process emanate from the decree. Based on our understanding of these major systemic differences and dozens of other minor differences between the Iowa and Minnesota due-process systems, we are suggesting to Ombudsman Bill Angrick that we undertake further study of disciplinary due-process functions in other state prison systems and consider pursuing changes in the Iowa system if we are convinced they might inspire the perception of greater fairness for Iowa inmates.

We believe it is possible that over a period of time, if the inmate population perceives our disciplinary system as fair and equitable, fewer lawsuits might be filed.

* * * *

A number of other major considerations must be noted to understand that it is not just a few basic differences between the Iowa and Minnesota disciplinary due-process systems which make the comparison of our two prison systems quite dramatic:

1) The Minnesota system is not facing the same high level of overcrowding which exists in Iowa. As an example, to date there is no double-bunking of inmates in any of their correctional institutions. Every Minnesota inmate has a private cell. In comparison, at the Iowa Men's Reformatory in Anamosa, many cells are double-bunked and some are now being triple-bunked. At the Minnesota State Prison at Stillwater, which has a physical structure and inmate population very similar to Anamosa, correctional counselors typically have case loads of 30 to 40 inmates. Anamosa counselors currently have case loads in the 130 to 140 range.

2) While the Iowa Department of Corrections has been forced to cut back on services and programs offered inmates in recent years - for example, the discontinuation of civil legal services for inmates (divorce, child custody, bankruptcy cases) - Minnesota Department of Corrections' officials have had the luxury to add services. A Minnesota inmate seeking civil legal services need only request assistance from an attorney with the office of Legal Assistance to Minnesota Prisoners (LAMP), another division of the State Public Defender's Office. There is no charge for LAMP attorney services.

Each institution has a quality inmate newspaper, managed and operated by inmates as paid job assignments. There are inmate television and radio stations in the large institutions which broadcast recent videos and other canned programming, but inmate staff members also write and produce original talk shows during which institutional problems can be discussed; produce live intra-mural sports coverage; videotape and present messages from the warden about new policies; and produce profiles of new staff members. We spoke with two inmate newspaper editors and staff members of a television station. These inmates were very proud of their work. All of them said they planned to pursue these types of careers upon release from prison.

3) Sentencing in Minnesota is determinate, as opposed to Iowa's indeterminate system. That is, when an inmate enters the corrections system in Minnesota, he/she knows exactly when they will be released. If it is a 60-month sentence, the inmate will serve 40 months or two-thirds of the sentence. There is no parole board. There are no early releases with the exception of the possibility of work release not more than six months prior to normal release. Very few inmates are work released. Their sentencing system changed eight years ago when their parole board was eliminated and the Sentencing Guidelines Commission was created. This is a very involved system which we are currently studying.

4) The 1980s was a decade of dramatic construction and modernization of the Minnesota prison system. Two major facilities, the Oak Park Heights super maximum security facility and the State Women's Prison at Shakopee, were constructed in the last several years. Both of these facilities represent state-of-the-art penal technology. Without going into great detail, we were extremely impressed with these new, modern prisons and all of the facilities we visited. The Oak Park Heights and Shakopee facilities represent combined capital expenditures of about \$35 million.

A common denominator in the Minnesota prison system, obviously, is money. Their system is funded nearly by a factor of three over Iowa even though we have about 700 more inmates confined in our adult system (Iowa = 3,700; Minnesota = 3,000). As an example, the Men's Reformatory at Anamosa operates on a current annual budget of about \$12 million. The Minnesota State Prison at Stillwater, very similar in physical structure and inmate population, operates currently on about \$32 million annually.

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WILLIAM P. ANGRICK II
CITIZENS AIDE - OMBUDSMAN

In reply, please refer to:

July 30, 1990

To: Special Committee Members
(Providing Legal Services to Prisoners)

From: Clarence Key, Jr., Assistant for Corrections
(Prison Ombudsman)
Randy Meline, Assistant
Citizens' Aide/Ombudsman

In the continuing effort to expand upon our knowledge and understanding of legal services provided to inmates in other states' prison systems, we traveled to Lincoln, Nebraska July 24 and 25, 1990 and toured the Nebraska State Penitentiary (NSP) and the Lincoln Correctional Center (LCC), their two primary maximum-security facilities.

We coordinated this trip with assistance from the Nebraska Prison Ombudsman's Office, a division of the Nebraska State Ombudsman's Office, located at the State Capitol in Lincoln. Both the NSP and LCC are located in the Lincoln metropolitan area.

Like our visit to Minnesota prisons in May, 1990, we met with a great many prison officials and inmates; specifically scrutinizing their institutional-level, disciplinary, due-process system and comparing it to our own. Though the comparison proved less dramatic than with the Minnesota system, the results of this trip were no less enlightening.

We discovered that in Nebraska state prisons inmates are allowed to seek free legal help in institutional, disciplinary proceedings from Inmate Legal Aides. These "jailhouse lawyers" are sanctioned and thoroughly instructed by staff attorneys in the Legal Division of the Nebraska Department of Correctional Services. They are allowed open access to institution law libraries and they may consult with private attorneys, who donate time to the program. They are employed by the institution and paid fair wages (by prison standards) to help other inmates understand how the disciplinary process works, assist in preparing a proper

defense and, if requested, attend disciplinary committee hearings with their clients.

We met with several of these Inmate Legal Aides and were impressed with their knowledge of the law and departmental policy and their dedication to providing quality assistance. We observed a full morning of disciplinary hearings at NSP and watched two Inmate Legal Aides in action. Though not allowed to address the hearing panel directly, they did sit with and oversee their clients' defense presentations. They prompted clients' responses to questions from committee members and provided legal guidance to their clients throughout the hearings.

The Inmate Legal Aides also assist their fellow inmates in preparing post conviction and 1983 suits. There appeared to be an element of pride among these aides which contributed to a serious attitude about preparing suits. It appeared that the aides were not interested in wasting their time on frivolous matters. The aides are in constant demand.

This program has been in place for many years. There did not appear to be a "Them vs. Us" attitude prevalent. A veteran, disciplinary committee chairman told us Inmate Legal Aides "...help solidify the total process." Though only about 25 percent of all inmates appearing before disciplinary committees seek Inmate Legal Aide assistance, the mere availability of legal aides appears to add an element of fairness not present in the Iowa disciplinary, due-process system. Nebraska inmates appear to be more willing than Iowa inmates to seek administrative resolution to institution oriented complaints and less likely to turn to the federal courts for satisfaction. A comparison between 1983 Prisoner Civil Rights filings in Iowa and Nebraska illustrates this premise.

42 U.S.C. 1983 Civil Rights filings:

1988 - Nebraska	(total) =	89
Iowa (Northern District)	=	110
(Southern District)	=	268
	(total) =	378
1989 - Nebraska	(total) =	79
Iowa (Northern District)	=	103
(Southern District)	=	399
	(total) =	502

(These statistics are reported in the Federal Judicial Workload Statistics Report, available through the Statistical Analysis and Reports Division, Washington, D.C.)

We are, of course, well aware that many factors contribute to comprise a general pattern of behavior, for example, why inmates in one state file more or less federal lawsuits than inmates in another state. In Minnesota, we found an extremely well-funded prison system, including two new, state-of-the-art facilities, abundant with programs and meaningful inmate job assignments. In Nebraska, again we found new modern prisons. Both the NSP and LCC were built in the 1980s. Both employ independent unit management approaches (the opposite of large cellhouse management) considered by many as more humane, more efficient and more cost effective. Neither Nebraska or Minnesota are facing the severe overcrowding we are experiencing in Iowa.

However, a common thread in both Nebraska and Minnesota, absent in Iowa, is meaningful inmate involvement in the disciplinary due-process system. We continue to believe that the introduction of inmate legal representation at the institutional level (and other similar changes in our system) would foster the emergence of greater fairness. When Iowa inmates perceive that they can more effectively defend themselves in potentially complex, quasi-judicial processes and seek informed assistance to pursue grievances at the institutional level, we believe in time they may be less likely to seek resolution only in the courts.

We met recently with Iowa Department of Corrections Director Paul Grossheim and discussed our interest in disciplinary matters. He was receptive and interested in the possibility of change in our system and the door was left open for continued dialog on these important questions.

* * * * *

Since becoming involved with the work of this Special Committee considering legal services for prisoners we have listened with interest and learned a great deal about prison-related problems facing the federal judiciary in Iowa. The comparative numbers of 1983 filings between this state and neighboring states are staggering. Though we believe institutional changes may improve the situation, it appears possible that a more defined, clearinghouse review system - at the federal court level - of inmate lawsuits may aid in mustering out the frivolous and inconsequential filings. Perhaps judges could grant magistrates and/or

Special Committee Members

July 30, 1990

Page 4

clerks increased latitude to scrutinize specific merits of inmate filings and reject them if certain criteria such as reasonableness are not met. Perhaps filings could be turned back from the court if inmates have not at least attempted to remedy their complaint at the institutional and/or departmental level. Perhaps a pre-court, review committee could be formed to periodically review new inmate lawsuits and either recommend immediate court filing or conditional referral to the institutional grievance system, the department director's office or the Ombudsman. To engender fairness, such a committee could comprise membership from the federal court, the Legal Services Corporation, the Iowa Civil Liberties Union, the State Public Defender's Office, the private bar, the Ombudsman's Office and others. We would be glad to be part of a continuing effort to seek meaningful change in the process.

We noted with great interest during our Nebraska trip that the federal judiciary there has implemented a set of filing restrictions meant to regulate an inmate's unfettered right to sue. In essence, the court's May, 1989 adoption of Rule 52 holds the inmate accountable for payment of filing fees and restricts proceeding in forma pauperis if it is determined that the inmate has sufficient funds. The inmate must provide to the court, at the time of filing a 1983 action, a copy of his/her institutional financial account dating back six months. Any attempt to circumvent Rule 52 results in the case being dismissed.

Between May, 1989 and May, 1990, the Nebraska prison system grew in population from 2,185 inmates to 2,395, a 10 percent increase. During the same period the number of 1983 filings decreased 10 percent.

We are appending to this report a copy of Nebraska U.S. District Court Rule 52 for your review and consideration.

CK:RAM:st

Enclosure

STATE OF IOWA

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215 EAST 7TH STREET
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(515) 281-3592



WILLIAM P. ANGRICK II
CITIZENS AIDE OMBUDSMAN

In reply, please refer to:

September 11, 1990

To: Special Committee Members
(Providing Legal Services to Prisoners)

From: William P. Angrick, II
Ombudsman

Clarence Key, Jr., Assistant for Corrections
(Prison Ombudsman)

Randy Meline, Assistant
Citizens' Aide/Ombudsman

Among this committee's participants the Ombudsman's Office assumes a unique role in Iowa. We have neither formal affiliation nor statutory jurisdiction with courts - state or federal. We do not entertain complaints in these arenas. It was therefore with some surprise that we learned of the bar association and federal judiciary's frustration at the dramatic increase of inmate 1983 filings and the burgeoning difficulty in finding attorneys to take these cases.

Given our orientation it was natural that we sought information and answers in institutional/departmental rather than judicial forums. Involvement with this committee, however, has provided us an opportunity to consider the subject of inmate legal assistance from a broad perspective. As you know, we visited neighbor states to examine other prison systems and during these trips learned a great deal not only about the instant issue but also about varying corrections systems in general. We are excited about the opportunities for systemic improvements here in Iowa based upon this new-found knowledge.

We specifically scrutinized methods to provide inmates legal representation at the institutional level in disciplinary, due-process and grievance systems. Based on our examination of these alternative processes, we propose implementation of an Inmate Legal Aide system at all Iowa Department of Corrections institutions. We strongly believe that the

disciplinary, due-process level and in writing grievances will greatly benefit our entire prison system.

Fiscally, we believe introducing an Inmate Legal Aide system (similar to the Nebraska model) would currently be more realistic than the staff attorney system which operates as a division of the Minnesota Public Defender's Office. We prefer the staff attorney system but realize that implementation of such a system in Iowa would be very expensive. It would perhaps be fiscally prudent at this time to strive toward the best system possible for the least cost.

The key question to be answered before organizing such an Inmate Legal Aide program is who would train and provide on-going consultation to the inmate legal aides? We propose that the program - statewide - be directed by an attorney working at the direction of the Iowa Public Defender. This attorney/director would be charged with organizing training materials and conducting the instructional courses necessary - perhaps twice per year - to insure that aides at all institutions are operating competently and consistently. We further propose that a consortium of private attorneys from across the state with an interest in prison law, nominated by the bar association and approved by the Inmate Legal Aide Director, act as instructors and consultants to the inmate legal aides.

The inmate legal aides would be chosen on the basis of intelligence, understanding/interest in the law and a reasonable expectation of being in prison long enough to make their involvement worthwhile. These would be approved inmate jobs, paid positions just like other inmate employment. We have in our possession the materials used to organize the Nebraska program and train inmate legal aides. It would be necessary for the warden/superintendent at each institution to appoint a staff member (possibly the librarian) to act as custodian of training materials and facilitate the program's smooth operation. We will be pleased to provide the Nebraska model materials and assist in organizing the program. Nebraska and Minnesota officials have also offered their assistance and consultation.

The introduction of such a system is of course not going to halt the filing of inmate lawsuits. We believe it would be a step toward increased fairness at the institutional "judicial" level, however, and in time reduce the propensity to sue.

The mission of this committee was to determine the best method for providing legal representation to inmates when 1983 suits are filed. We continue to believe that the answer to that question lies with some variation of a staff model. Two or three attorneys, expert at prison law, operating full time with an office and small support staff, could provide the consistency and continuity needed to afford any inmate quality representation. The question is who pays the bill? This committee must determine whether to recommend that members of the bar donate resources to fund such a staff model. We favor this approach whether through direct tithe or through a foundation program organized to accomplish this goal.

Considering the problem from another perspective, we communicated recently with judges from both Iowa federal court districts to discuss enhancing the relationship between this office and the federal judiciary. Though we must proceed cautiously to protect the special immunity from case file discovery this office has labored to maintain, we are willing to do all we can to assist the federal courts in efforts to reduce the number of inmate civil rights filings. Though care must be taken to guard inmate access to federal courts, it is apparent that independent consideration by this office at the time of filing could either remedy complaints at the institutional level or provide the courts with factual information to effect speeded screening of the case.

Though we understand that the federal courts are bound by strict case law interpretations which dictate rationale for dismissing 1983 filings, we continue to believe that the introduction of a pre-court, 1983 action review committee, comprised of various experts in prison law, could remove some of the pressure from the federal courts. To further facilitate case screening, would it be inconceivable that a new position could be created at the federal court level, a liaison between the courts and the prisons, charged with rooting-out fact from fiction before frivolous or malicious inmate filings are allowed to proceed very far in the system?

We hope to be part of a more formal meeting with judges from both districts in the near future and attempt to fine-tune the working relationship between the federal courts and this office.

We appreciate the opportunities which have presented themselves because of our involvement with this committee. We stand ready to help formulate a unified report of the committee's recommendations.

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE / OMBUDSMAN

In reply, please refer to:

September 12, 1990

John Connors, Chair
Service Committee, Legislative Council
State Capitol
LOCAL

Dear Representative Connors:

Personnel Report

Tina M. Eick, Assistant Citizens' Aide/Ombudsman I, successfully completed her six-month probationary period on August 3, 1990 and was granted a one-step salary increase to Grade 27, Step 2. Ms. Eick was awarded a scholarship to Drake University Law School and is now attending full-time. On August 31, 1990 she was transferred to one-quarter time.

Connie L. Bencke, formerly Coordinator of Critical Services at the Cedar Rapids YWCA, joined the staff as Assistant Citizens' Aide/Ombudsman I, Grade 27, Step 1, on August 22, 1990.

Wendy L. Sheetz, currently a Social Worker with the Iowa Department of Human Services, is joining the staff as Assistant Citizens' Aide/Ombudsman I, Grade 27, Step 1, effective September 14, 1990.

Sincerely,

William P. Angrick II

WPA:jg

cc: Service Committee
Diane Bolender, Secretary, Legislative Council

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE / OMBUDSMAN

In reply, please refer to:

September 12, 1990

John Connors, Chair
Service Committee, Legislative Council
State Capitol
LOCAL

Legal Report

As previously reported to the Committee, we were subpoenaed to testify in the Polk County District Court case Theresa Lynn Cline v. Barbara Olk, et.al. We resisted, and on August 13, 1990 Fifth Judicial District Judge Robert A. Hutchison ruled quashing the subpoena. A copy of the ruling is available for your review.

Sincerely,

William P. Angrick II

WPA:jg

Encl.

cc: Service Committee
Diane Bolender, Secretary, Legislative Council

IN THE DISTRICT COURT OF IOWA IN AND FOR POLK COUNTY

THHERESA LYNN CLINE,	:	
	:	
Plaintiff,	:	CASE NO. CL 71-42169
	:	
v.	:	RULING ON MOTIONS TO QUASH
	:	SUBPOENA AND TO STRIKE
BARBARA OLK, et. al.,	:	
	:	
Defendants.	:	

1990
AUG 11 10 14 AM
POLK COUNTY
IOWA

On August 10, 1990, the motion to quash subpoena filed by William P. Angrick II and the motion to strike expert witness filed by the State of Iowa came on for hearing by telephone conference. Plaintiffs appeared by her counsel, Jack A. Schwartz and Melissa Melton. Defendant State of Iowa appeared by Assistant Attorney General John Parmeter. William P. Angrick II appeared by attorney Ruth Cooperrider. After hearing the arguments of counsel, reviewing the court file and being fully advised in the premises, the Court now enters the following ruling.

Plaintiff served the Office of the Citizens' Aide/Ombudsman with a subpoena duces tecum on June 25, 1990, requesting the production of records related to complaints concerning Thomas J. Gott. William P. Angrick has responded to that subpoena by filing the motion to quash the subpoena. Angrick argues that the information requested by plaintiff is privileged by virtue of Iowa Code Chapter 601G (1990).

Both Angrick and plaintiff cite to the case of Shabazz v. Scurr, 662 F.Supp. 90 (S.D. Iowa 1987) in support of their

respective positions. Plaintiff urges the Court to rule that even if there is some privilege it does not extend protection to the facts underlying any complaints concerning Gott made to the Ombudsman. Defendant argues that the privilege is absolute and total.

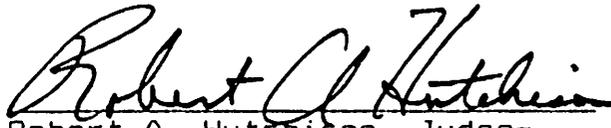
The Court has carefully examined the Shabazz decision and disagrees with plaintiff's interpretation of the language of the decision. And while Shabazz is not binding upon this Court, the Court finds the reasoning in the case persuasive. The Court rules that Iowa Code Chapter 601G does in fact provide a privilege against the ombudsman producing the information being sought by plaintiff. The motion to quash the subpoena is therefore granted.

The motion to strike plaintiff's expert filed by the State of Iowa is based upon the fact that while plaintiff timely filed its expert designation, plaintiff noted that one of the witnesses had not yet been contacted and thus no summary of testimony was provided. Regardless of the merits of the State's complaint, the Court has recently granted a continuance of the trial date from September, 1990 to January, 1991, and has correspondingly increased the deadlines previously imposed. Therefore the Court finds the State's motion must be overruled at this time. If plaintiff has not supplemented its response by the time the new deadline for plaintiff's expert expires the State is free to file its motion once again.

The Court has also learned from the court file that a

motion to compel discovery filed by third-party plaintiffs remains pending. That motion shall come on for hearing at 8:00 a.m. on the 23rd day of August, 1990.

Dated this 13th day of August, 1990.


Robert A. Hutchison, Judge-
Fifth Judicial District of Iowa

Copies mailed to:

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Des Moines, IA 50312

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Des Moines, IA 50309

GENERAL ASSEMBLY OF IOWA



LEGISLATIVE SERVICE BUREAU
STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566
DIANE E. BOLENDER, *DIRECTOR*
RICHARD L. JOHNSON, *DEPUTY DIRECTOR*

September 12, 1990

MEMORANDUM

TO: CHAIRMAN CONNORS AND MEMBERS OF THE SERVICE COMMITTEE
FROM: Diane Bolender, Director *DB*
RE: September Personnel Report

Attached is a listing of the merit salary increases granted since the July 12, 1990, Service Committee meeting.

Ms. Marie Rolling-Tarbox has been hired for one of the Legal Counsel I positions. The second Legal Counsel position will be filled in the near future.

The Bureau will commence its hiring process in the near future for the following vacant positions: Proofreader, Bill Clerk, and Page. Vacancies in the Administrative Code Division will also be examined in the coming weeks and the hiring process will commence.

Personnel1913
rj/dg/20

ADMINISTRATIVE CODE DIVISION

LUCAS BUILDING 515 281-5285

PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

LEGISLATIVE INFORMATION OFFICE

CAPITOL BUILDING 515-281-5129

JULIE E. E. LIVERS
DIRECTOR

IOWA CODE DIVISION

LUCAS BUILDING 515 281-5285

JoANN G. BROWN
IOWA CODE EDITOR

JANET L. WILSON
DEPUTY IOWA CODE EDITOR

MERIT INCREASES GRANTED SINCE THE LAST PERSONNEL REPORT

The following Legislative Service Bureau employees received merit increases since the last Personnel Report to the Service Committee, dated July 12, 1990.

Legal and Research Divisions. Mark Johnson, Legal Counsel II, and Leslie Workman, Legal Counsel II.

Information Services Division. Gary Thompson, Information Officer.

Personnel2
rj/dg/20



DENNIS C. PROUTY
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

MEMO

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director, Legislative Fiscal Bureau
RE: LFB Personnel Report
DATE: September 13, 1990 (486b)

Attached is the Legislative Fiscal Bureau's Personnel Report for the months of August and September. The report covers all personnel action since the last report, which was submitted July 12, 1990.

LFB PERSONNEL REPORT

September 13, 1990

Personnel actions since last report:

Service Committee review -

Merit Increases

Susan L. Lerdal - 8/17/90

Vacant Positions

Filled Positions

Leroy A. McGarity, Legislative Analyst I - 8-01-90
Larry C. Sigel, Legislative Analyst I - 8-20-90

Extended Sick Leave

Jon A. Studer, Legislative Analyst I - 7-10 thru 8-03-90
David L. Reynolds, Legislative Analyst I - 8-01 thru 8-28-90

Service Committee approval -

Promotions

FROM

TO

798b:tcf:9-13-90



SANFORD B. SCHARF
DIRECTOR
515-281-7840

LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA
50319

STATE OF IOWA

LEGISLATIVE COMPUTER SUPPORT BUREAU

Personnel Report

September 13, 1990

1. Introduction of new employee Roel Campus.
2. Create and fill an additional position of Microcomputer Support Analyst I to alleviate the growing backlog of work and provide additional support in the PC area.

TENTATIVE AGENDA
SERVICE COMMITTEE
Committee Room 22
September 13, 1990

11:00 a.m.

Call to Order

Roll call

Consideration of Minutes of July 12
(Previously Distributed)

Report of the Computer Subcommittee

Receipt of Personnel Reports

- Citizens' Aide/Ombudsman
- Computer Support Bureau
- Legislative Fiscal Bureau
- Legislative Service Bureau

Receipt of Proposed Budgets for Fiscal Year
Beginning July 1, 1991

Additional Business, if any

Adjournment