

PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE
PROGRESS REPORT

House Concurrent Resolution 26 and Senate Concurrent Resolution 26, introduced during the First Session of the Sixty-fifth General Assembly, requested that the Iowa Legislative Council create a study committee to continue the study of the penal and correctional system which had been conducted during the previous two interims. The Legislative Council also directed the Penal and Correctional Systems Study Committee to conduct a study of the juvenile justice system in this state. HCR 26 and SCR 26 recommended that the Study Committee include nonlegislative members having special knowledge in the fields of penal and correctional facilities, rehabilitation, and programs. At its initial meeting, the Penal and Correctional Systems Study Committee requested that the Legislative Council authorize the Study Committee to appoint inmate representatives to the Study Committee. The membership of the Study Committee is as follows:

Senator E. Kevin Kelly, Chairman
Representative Donald V. Doyle, Vice Chairman
Senator Minnette F. Doderer
Senator Gene W. Glenn
Senator George F. Milligan
Senator Forrest V. Schwengels
Representative George J. Knoke
Representative Joan Lipsky
Representative Harold C. McCormick
Representative Brice C. Oakley
Mr. Joseph DeRaad
Mr. Donald C. Hoskins
Captain Eugene Johnson
Ms. Naomi Mercer
Mrs. Dorothy Strohbehn
Ms. Josephine Gittler
Ms. Chris Bertholf
Mr. Terry Sallis
Mr. Al Ware

During the 1973 interim, the Penal and Correctional Systems Study Committee concentrated its efforts on the Iowa adult correctional system and facilities. The Study Committee discussed its responsibility of studying the juvenile justice system in Iowa and agreed that the areas of study were too comprehensive to complete during the short interim. The Study Committee decided to complete its study of adult corrections during the 1973 interim and recommends that the Penal and Correctional Systems Study Committee be allowed to continue its work during the 1974 legislative interim and submit its final report to the 1975 Session of the Sixty-sixth General Assembly in order to complete its study of the juvenile justice system during the 1974 interim.

The Study Committee visited the State Penitentiary at Fort Madison, the Men's Reformatory at Anamosa, and the Women's Reformatory in Rockwell City. Because of its responsibility to study the juvenile justice system, the Study Committee also visited the Boy's Training School in Eldora and the Girl's Training School

in Mitchellville. The Study Committee also held meetings with the Board of Parole and the wardens and superintendent of the three adult correctional facilities.

The Study Committee focused its attention on the effectiveness of recently enacted legislation, means of improving the new laws, and possible additional legislation. During its investigations, the Study Committee received testimony from inmates, institutional staff, and administrators in order to determine how the state penal and correctional system can be improved.

The Study Committee recommends that the General Assembly consider the following legislative recommendations:

1. The Study Committee is most concerned with the lack of rehabilitative and vocational programs at the adult penal and correctional facilities. There is greatest need for establishment of such programs at the State Penitentiary at Fort Madison. Additional funds may be needed to implement this recommendation.

2. Presently inmates in the adult correctional facilities work at the institutions and are paid for their labors. These inmates may risk injury in some of the jobs they perform and in the facilities in which they work. These persons receive compensation for their labors, but when they are injured on the job they receive no compensation during the time they are hospitalized or recovering from injuries sustained in the accident. The Study Committee recommends that an inmate be paid compensation for workdays missed as a result of injuries resulting from or sustained within the scope of employment within the institution. The inmate shall receive compensation in an amount equal to his daily earnings immediately preceding the injury, provided the inmate is unable to perform job responsibilities for a period in excess of one working week. When an inmate qualifies for compensation under this provision, the inmate shall receive compensation for each day the inmate is unable to perform his job responsibilities. A bill draft is attached and by this reference made a part of this report. (Bill I)

3. The Study Committee recognizes that correctional officers are subject to personal danger and injury while on duty at a penal and correctional facility. The Study Committee recommends that the beneficiaries of a correctional officer who loses his life while on duty as a result of a criminal act shall be paid twenty-five thousand dollars from the general fund of the state.

As a result of recent court decisions regarding the rights of inmates, employees at the state penal and correctional institutions are subject to an increasing threat of civil liability. This situation has affected the morale of the employees and has hampered the employees' effectiveness in certain situations. Since the law concerning inmates' rights is relatively new and evolving, employees are placed in the position of making decisions concerning inmates' rights without definitive guidelines on the appropriate course of action. The Study Committee recommends that if a legal action is filed by an inmate against an institutional employee hired pursuant to the provisions of Chapter 19A of the

Code, the Executive Council pay the costs of the employee's legal services from its contingency fund. The fee for the legal services shall be subject to the review of the Executive Council.

A bill draft to carry out these recommendations is attached and by this reference made a part of the report. (Bill II)

4. The Study Committee recommends that the Board of Parole be required to submit proposed rules and regulations to the Departmental Rules Review Committee under the provisions of Chapter 17A of the Code. A bill draft is attached and by this reference made a part of the report. (Bill III)

5. Presently, the Board of Parole is required under section 247.5 of the Code to review the case of a person sentenced to life imprisonment after fifteen years and each three years thereafter and submit its recommendations to the Governor. The Study Committee recommends that the present law be changed to provide for this review after five years. A bill draft is attached and by this reference made a part of the report. (Bill IV)

6. The Study Committee has discussed the advisability of creating a fulltime Board of Parole. The Study Committee recognizes that the duties and responsibilities of the Board of Parole require more time than is feasible to expect from part-time members. The Study Committee recommends that further study be made as to the desirability and feasibility of implementing a fulltime Board of Parole in Iowa.

7. The Study Committee found evidence that even though the Board of Parole is utilizing a liaison officer at the three adult penal and correctional facilities, there still appears to be a communication problem between inmates and the Board of Parole. At the present time, an inmate is not given written notice as to why his parole application has not been accepted and what he can do to improve his standing before the Board of Parole. The Study Committee recommends that the Board of Parole issue to the inmate and the institution a written statement as to the reasons his parole or commutation application has been denied. The Study Committee recommends that the Governor notify an inmate, in writing, as to the reasons the Board of Parole's recommendation for commutation of his sentence is denied.

8. The Study Committee has requested that the Department of Social Services submit a supplemental budget to the Sixty-fifth General Assembly, Second Session, to seek additional funds needed to meet the rising costs of fixed penal expenses such as food, clothing, and fuel.

9. When an individual is remanded to the custody of the Department of Social Services, the department is required to determine to which correctional institution the individual is to be committed. In order to better effectuate this determination, the Study Committee recommends the establishment of a diagnostic and evaluation center to determine the proper placement of an individual and establish a proper rehabilitative program for the individual.

10. The present law provides that an inmate, upon release, shall receive funds from the institution in an amount not to exceed one hundred dollars. In visiting the institutions during the interim, the Study Committee found that the policy at the penal and correctional institutions differs. The Study Committee recommends that the law be amended to require that an inmate receive one hundred dollars from the institution upon his release. A bill draft is attached and by this reference made a part of the report. (Bill V)

11. In the course of its study, it was brought to the attention of the Study Committee that the state's penal and correctional institutions are unable to employ personnel in certain job classifications because the salary scale is set at a level where qualified persons will not seek the position. As a result, the state penal and correctional institutions have been hiring persons in one job classification, but using them to perform duties other than those for which they are employed. The Study Committee recommends that the Merit Employment Department reevaluate the job classifications and salary scales of penal and correctional institution personnel and determine salary levels which will make it possible for these institutions to employ competent personnel in all job classifications. The Study Committee also recommends that the Department of Social Services direct the administrators of the penal and correctional institutions to require all personnel to perform only those functions designated by their job classifications.

12. The Study Committee recommends that a detailed review of the probation and counseling services for adults and juveniles subject to Iowa's correction system be conducted in order to determine if such services are coordinated.

13. The Study Committee is concerned about the inadequate health services provided for inmates at the penal and correctional institutions and recommends that the Department of Social Services take such action as is necessary to provide these services.

14. At the State Penitentiary at Fort Madison, volunteer community services are not utilized to a very great extent and the Study Committee recommends that the institution better utilize these services.

15. The Study Committee recommends that the General Assembly enact Senate File 73 which provides authority to hire an assistant citizens' aide for investigating complaints relating to penal and correctional agencies. Senate File 73 has passed the Senate. The citizens' aide presently has an assistant who is working in the penal and correctional institutions. His salary is paid by a federal grant which expires on March 15, 1974. From the limited experience with this position, the Study Committee recommends that this position be continued.

PREPARED BY THE LEGISLATIVE SERVICE
BUREAU FOR THE PENAL AND CORRECTIONS
SYSTEMS STUDY COMMITTEE FOR DISCUSSION
PURPOSES ONLY.
December, 1973

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

A BILL FOR

1 An Act relating to compensation for inmates and prisoners.

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Section 1. Chapter two hundred forty-five (245), Code 1973,
2 is amended by adding the following section:

3 NEW SECTION. PAYMENT OF COMPENSATION TO INMATES INJURED WITHIN
4 THE SCOPE OF THEIR EMPLOYMENT. Any inmate who is unable to perform
5 the employment duties assigned to her, as a result of an injury
6 sustained within the scope of her employment, shall be compensated
7 on the basis of the following:

8 1. Compensation shall not be paid unless the period during
9 which the inmate is unable to perform her employment duties
10 exceeds one consecutive work week.

11 2. If an inmate is unable to perform her employment duties
12 for a period in excess of one consecutive work week, she shall
13 be compensated for the entire period she is unable to perform
14 her employment duties.

15 3. Compensation shall be paid in an amount equal to the daily
16 compensation paid immediately preceding the injury for each
17 qualified day an inmate is unable to perform the employment duties
18 assigned to her.

19 4. Compensation shall not be paid to an inmate injured while
20 on work release or furlough.

21 Sec. 2. Chapter two hundred forty-six (246), Code 1973, is
22 amended by adding the following section:

23 NEW SECTION. PAYMENT OF COMPENSATION TO PRISONERS INJURED
24 WITHIN THE SCOPE OF THEIR EMPLOYMENT. Any prisoner who is unable
25 to perform the employment duties assigned to him, as a result of
26 an injury sustained within the scope of his employment, shall be
27 compensated on the basis of the following:

28 1. Compensation shall not be paid unless the period during
29 which the prisoner is unable to perform his employment duties
30 exceeds one consecutive work week.

31 2. If a prisoner is unable to perform his employment duties
32 for a period in excess of one consecutive work week, he shall be
33 compensated for the entire period he is unable to perform his
34 employment duties.

35 3. Compensation shall be paid in an amount equal to the

1 daily compensation paid immediately preceding the injury for each
2 qualified day a prisoner is unable to perform the employment
3 duties assigned to him.

4 4. Compensation shall not be paid to a prisoner injured
5 while on work release or furlough.

6 EXPLANATION

7 This bill provides that compensation be paid to an inmate
8 prisoner who sustains an injury within the scope of his employ-
9 ment and is unable to perform his normal employment duties.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

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

A BILL FOR

1 An Act relating to benefits for employees of the adult penal
2 and correctional institutions of this state.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Chapter two hundred eighteen (218), Code 1973,
2 is amended by adding sections two (2) and three (3) of this Act.

3 Sec. 2. NEW SECTION. PAYMENT OF LEGAL FEES TO EMPLOYEES OF
4 ADULT PENAL AND CORRECTIONAL INSTITUTIONS. When an employee of
5 the state penitentiary, men's reformatory, women's reformatory,
6 correctional release centers, or the Iowa security medical
7 facility, employed pursuant to chapter nineteen A (19A) of the
8 Code, is made a deferdant in any legal action accusing him of
9 violating the civil rights of a prisoner, the executive council
10 shall pay the costs of the legal services necessary to defend
11 the employee. The costs of the legal services shall be paid
12 from the executive council's contingency fund. The costs of
13 the legal services shall be subject to review by the executive
14 council.

15 Sec. 3. NEW SECTION. PAYMENT OF DEATH BENEFITS TO CORREC-
16 TIONAL OFFICERS. When a correctional officer or person performing
17 the duties of a correctional officer, employed at the state peni-
18 tentiary, men's reformatory, women's reformatory, correctional
19 release center, or the Iowa security medical facility, loses his
20 life while acting within the scope of his employment as a result
21 of criminal activity, his beneficiary shall be paid the sum of
22 twenty-five thousand dollars. There is appropriated from the
23 general fund of this state an amount sufficient to pay claims
24 filed under this section.

25 EXPLANATION

26 This bill provides for the payment of legal services to penal
27 and correctional institutions employees incurred as a result of
28 being accused of violating the civil rights of a prisoner. In
29 addition this bill provides for the payment of death benefits to
30 correctional officers who lose their lives within the scope of
31 their employment as a result of criminal activity.

32
33
34
35

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

A BILL FOR

1 An Act relating to the rules and regulations of the board of
2 parole.

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

4 Section 1. Section seventeen A point one (17A.1), subsection
5 three (3), unnumbered paragraph two (2), Code 1973, is amended
6 to read as follows:

7 "Rule" does not include any statement concerning only the
8 internal management of an agency and not affecting the rights or
9 procedures available to the public. "Rule" does not include
10 rules adopted relating to the management, discipline, or release
11 of any person committed to any state institution except rules
12 adopted by the board of parole, nor rules of an agency which may
13 be necessary during emergencies such as floods, epidemics,
14 invasion, or other disasters.

15 EXPLANATION

16 Under present law, rules adopted by the Board of Parole are
17 exempt from the provisions of Chapter 17A of the Code. This bill
18 provides that rules adopted by the Board of Parole are subject to
19 review under Chapter 17A of the Code.

20

21

22

23

24

25

LSB 3226
bk/dg

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

A BILL FOR

1 An Act relating to the review of cases of persons serving life
2 terms by the board of parole.

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

4 Section 1. Section two hundred forty-seven point five (247.5),
5 unnumbered paragraph two (2), Code 1973, is amended to read as
6 follows:

7 The board of parole shall, except as to prisoners serving life
8 terms, ~~-or-under-sentence-of-death;~~ or infected with venereal
9 disease in communicable stage, have power to parole persons con-
10 victed of crime and committed to either the penitentiary or the
11 men's or women's reformatory; provided, however, after any person
12 has served ~~fifteen~~ five years of a life term, the board of parole
13 shall review the case and interview personally all such persons
14 and make such recommendations as they see fit to the governor,
15 and shall make similar interviews in each such case at least every
16 three years thereafter.

17 EXPLANATION

18 This bill provides that the Board of Parole shall review the
19 case of a person sentenced to a life term after five years instead
20 of after fifteen years as the law presently provides.

21

22

23

24

25

BILL V
PREPARED BY THE LEGISLATIVE SERVICE
BUREAU FOR THE PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE FOR DISCUSSION
PURPOSES ONLY.
December, 1973

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

A BILL FOR

1 An Act to provide a one hundred dollar allowance to inmates upon
2 release from a penal institution.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section two hundred forty-five point fourteen
2 (245.14), Code 1973, is amended to read as follows:

3 245.14 CLOTHING, TRANSPORTATION, AND MONEY. The superintendent
4 ~~may, with the consent of the state director,~~ shall furnish a dis-
5 charged or paroled inmate with proper clothing, and a receptacle
6 therefor, and transportation to her place of employment, or home,
7 or other place not more distant than the place of commitment, and
8 ~~a sum of money not exceeding fifty~~ one hundred dollars.

9 Sec. 2. Section two hundred forty-six point forty-four
10 (246.44), Code 1973, is amended to read as follows:

11 246.44 DISCHARGE -- ~~TRANSPORATION~~ TRANSPORTATION, CLOTHING,
12 AND MONEY. When a prisoner is discharged the warden shall furnish
13 him, at the expense of the state, transportation to his place of
14 employment, home or other place in Iowa, appropriate clothing, and
15 ~~not more than one hundred dollars; the exact amount to be based~~
16 ~~on individual need as determined by the warden and an account of~~
17 ~~which shall be kept by the warden.~~ The warden may retain up to
18 one half of the cash allowance ~~so determined~~ and remit it to the
19 prisoner within twenty-one days after his discharge.

20 EXPLANATION

21 This bill provides that any inmate released from the Women's
22 Reformatory, Men's Reformatory, and State Penitentiary shall
23 receive one hundred dollars from the institution at the time of
24 his release.

25
26
27
28
29
30
31
32
33
34
35