

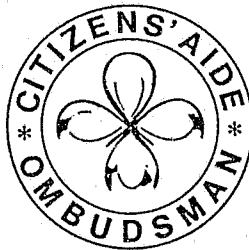
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In reply, please refer to:

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COMMENT
TO
OFFICIALS' RESPONSE
TO
CRITICAL REPORT
87-1

WILLIAM P. ANGRICK II
CITIZENS' AIDE/OMBUDSMAN

August 17, 1987

NCJRS

SEP 14 1987

ACQUISITIONS

The collective response of the five corrections officials to Critical Report 87-1 projects a misleading confidence in Iowa's Intensive Supervision Program parole. It intends to mollify the public with a dangerous illusion of public safety.

Therefore, the Citizens' Aide/Ombudsman has determined that a comment, pursuant to Iowa Administrative Code §210.5(2)(a), is necessary.

Patrick Riley was a violent criminal. He was exactly the type of high-risk offender the Intensive Parole program was designed to supervise. He manipulated the program the entire eight months of his involvement.

He felt comfortable and safe with McClendon, his parole officer. He had referred to McClendon as "cool," meaning he didn't expect to be seriously questioned about the quality of his daily routine.

The Ombudsman's report illustrates that Riley was correct in that expectation. He was not made accountable during his parole. He was not intensively supervised.

Riley's parole failed long before the tragic incident on May 20, 1987. It was the compromise of program standards that led to his failure on parole.

Of course Riley was responsible for the events of May 20. It was arrogant for Corrections Director Farrier to state that the Ombudsman's report indicated otherwise. Clearly, Critical Report 87-1 shows how and why the tragedy may have been avoided had Riley been properly and aggressively supervised in the way the intensive program was designed.

These officials misrepresent the number of contacts Riley had with his parole officer in their response. They tell us that Riley experienced approximately 3,300 contacts during his supervision. In reaching this number they combine Riley's Work Release (January 15, 1986 through September 5, 1986) with his participation in Intensive Supervision Program parole (September 6, 1986 until May 20, 1987).

They know that the Ombudsman's report did not focus upon Riley's Work Release. The Report criticized his management while under Intensive Supervision Program parole. If we simply count the number of contacts claimed by these officials from the appendix they present, the number is 218. Even this number is misleading and may not be accurate, because in a June 30, 1987 memorandum to Jim Hancock, District Director, Kent Ellithorpe, McClendon's supervisor, documented only 156 staff contacts with Riley during his parole.

It doesn't matter how many contacts the Parole Officer claims to have had with the parolee. If the officer didn't know where the parolee lived, whether he was employed and where, how he supported himself, when he may have been consuming controlled substances, how he financed his education, why he dropped out of school, where the funds came from to purchase a car, with whom he associated, where he went during the day, and at night, then the Intensive Supervision Program failed.

It is not the number of contacts that is important. It is the quality of those contacts that is critical.

To understand the deception these officials used we must focus on the operational definition of a "contact", its derivative, "collateral contact" and the counting methodology used. A "contact" may be direct (face-to-face) or indirect (over the telephone) between the parole officer and the parolee. The "collateral contact" is a communication between the officer and any person who has been identified as an integral part of the offender's treatment plan. Corrections officials have corrupted this concept in its application.

For example, a parolee under intensive supervision comes into the office for a weekly face-to-face contact with a parole officer. Parolee tells officer that he had two unsuccessful job interviews. The officer has parolee urinate into a bottle. Officer takes the bottle and places it into a tray for transportation to the laboratory. They go back to the office and officer tells parolee about a job that may be available at a local restaurant. Parolee tells officer that he has no money for the bus ride home. Officer agrees to drop parolee off at his residence and does so. Officer telephones

parolee at night but there is no answer. Later in the week parolee telephones officer to say that the job interview didn't work out. Two weeks later officer receives a written report evaluating parolee's urine sample. Corrections officials would have counted ten (10) contacts. Yet it was primarily an extended, single face-to-face office visit with two subsequent telephone calls and a UA report being received. This does not constitute intensive supervision parole.

In their response, these officials appended a sanitized version of the parole officer's contacts with Patrick Riley. If they would release Riley's file, any reader would see that the actual substance of McClendon's contacts with Riley are similar to the above hypothetical example.

In their response these five officials chide the Ombudsman for having strayed from their advice to "focus" upon the case file for "an accurate reflection of the supervision process."

The Ombudsman has xerox copies of relevant portions of that file. What the response fails to reveal is that the integrity of the file was violated during this investigation. Initially the file was broken, divided into a portion that Clarence Key, Jr. was allowed to see and a portion kept from him, without his knowledge. Key, a former Polk County probation officer, suspected documents were missing from the file. Confronted with the Ombudsman's suspicions James A. Youngquist, Assistant Director, Fifth Judicial District Department of Correctional Services, admitted in sworn testimony that he had removed certain information from the file prior to allowing the Ombudsman's inspection. The Ombudsman's request was renewed. The missing documents were subsequently replaced and inspected.

The Ombudsman recently discovered information that requires correction to the report. On page 16 of the report Kent Ellithorpe, McClendon's parole supervisor, is criticized specifically for having directed the officer to encourage Riley's college attendance unaware that he had dropped out of school. Ellithorpe's encouragement was in his April, 1987 Audit of McClendon's Riley file. This information appears on a form entitled "Auditor's Comments/Instructions", is dated "4/87" and bears the initials

"KJE". On a preliminary version of the form, dated "3/26/87" bearing no initials an auditor noted Riley dropped out of college for "economic reasons" and "wants to return to college." Apparently Ellithorpe had prior knowledge of this circumstance and the Ombudsman's observation on this point was in error. The Ombudsman withdraws the specific criticism.

The day after submission of the corrections official's response, James Hancock, Director, Fifth Judicial District, Department of Correctional Services, delivered to news reporters an undated letter titled "addendum". The Ombudsman received his copy two hours later. Hancock accuses Ombudsman employee James Peterson of having personal motivation to be critical of the Department of Corrections. By implication the corrections officials have characterized the Ombudsman's report as lacking objectivity.

These comments attempt to divert attention from the critical issues revealed in the report.

Peterson was assigned by the Ombudsman to assist Key in gathering information in this investigation. Ombudsman William P. Angrick II reached the conclusions and made the criticisms issued in this report.

Some corrections officials dismiss public inquiry and criticism from a position of self-serving expertise. Those they label as outsiders are accused of having no understanding. It is the mystique of corrections which breeds this arrogance. The corrections insiders do not want to be accountable to persons who are not members of their exclusive club. They discount the critical observations of such non-members as ombudsmen, legislators, citizens' groups, the press and the clergy. The common, consistent lament whenever they are challenged is that we cannot understand them, we are ignorant of the "corrections business".

The Ombudsman's investigation revealed program failure. Corrections officials disputed those findings. We must now recognize the public's right to safety and work to perfect the Intensive Supervision Program parole to meet those expectations.