

State of Iowa Department of Corrections Policy and Procedures

Policy Number: AD-GA-11

Applicability: Institutions, CBC, Central Office, IPI

Policy Code: Public Access

Iowa Code Reference: Chapters 13, 669

Chapter 1: Administration & Management

Sub Chapter: General Administration

Related DOC Policies: NA

Administrative Code Reference: NA

Subject: Legal Assistance for Employees

PRE Standards: NA

Responsibility: Micheal Savala

Effective Date: June 2023

Authority:

1. PURPOSE

To outline the system of assistance that shall be available to all Iowa Department of Corrections (IDOC) employees in the event legal counsel is required.

2. POLICY

It is the policy of the IDOC to provide the IDOC Director, Central Office Executive Staff, and particularly Wardens/District Directors, with legal advice and assistance specific to their needs in the management of their institutions and districts.

CONTENTS

- A. Availability of Counsel
- B. Local Action
- C. Exceptions

3. DEFINITIONS – As used in this document:

- A. Corrections Division of the Iowa Attorney General's Office – A group of attorneys that represent IDOC staff who have litigation pending against them

as a result of performing their duties for the IDOC and also provides advice and consultation.

- B. See IDOC Policy **AD-GA-16** for additional Definitions.

4. PROCEDURES

The IDOC recognizes that qualified legal assistance is necessary to: ensure operations, policies and procedures are consistent with court decisions; provide advice relating to statutory and court requirements that affect policy formulation; and, provide representation before courts or regulatory bodies. To that end, the Director, Central Office Executive Staff, Wardens/District Directors, Board of Corrections and all affected IDOC staff, shall be provided with legal advice in the performance of their duties, as well as legal representation in all legal actions arising from legitimate performance of their duties.

A. Availability of Counsel

1. The IDOC's General Counsel is available for advice and consultation, and the Director, Central Office Executive Staff, Warden/District Director, Board of Corrections may confer with him/her for any of the following reasons:
 - a) Developing and evaluating IDOC policies and procedures
 - b) Advising the IDOC Director of necessary adjustments in policy and procedures necessitated by a changing legal climate, including implementing court decisions relating to specific operations and client/incarcerated individual rights
 - c) Evaluating unusual operational issues
2. The Corrections Division of the Iowa Attorney General's Office generally represents IDOC employees at hearings and in court and also provides advice and consultation.

B. Local Action

Legal assistance shall be provided in connection with litigation filed against the institution/facility, district or an individual employee.

1. In general, all such litigation shall be coordinated at the local level by the Warden/District Director or specific legally trained designee, who shall convey all relevant information to the IDOC's General Counsel and to the Corrections Division of the Iowa Attorney General's Office.
2. Any IDOC employee who is served with legal process, or otherwise may require legal assistance as a result of the performance of his/her duties, is expected to provide requested information in a timely manner and to cooperate fully in all phases of the process until the litigation has been completed, provided their rights against self-incrimination are not implicated.
3. Subject to applicable statutes and case law, the IDOC reserves the right to take administrative action against an employee in cases where he/she refuses to cooperate.

C. Exceptions

1. The state shall defend any employee, and shall indemnify and hold harmless an employee against any claim against an employee of the state for money only, on account of damage to or loss of property or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the state while acting within the scope of the employee's office or employment.
2. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in the investigation or defense of the claim, as defined in this section, or if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which a tort claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

Replaces Policy PR-II-32, AD-I-48.

Origination Date: June 2005. Revised: July 2006, Sept. 2007. Reviewed: Aug. 2008, Aug. 2009. Revised: Dec. 2011. Reviewed: June 2013, Aug. 2013, Feb. 2014, Feb. 2015. Revised: April 2016. Reviewed: Sept. 2017. Revised: Feb. 2021, June 2023.