

PRISON INFORMATION PROJECT
prison.info.project@umich.edu

c/o Prof. Margo Schlanger
910 Legal Research Building
625 South State Street
Ann Arbor, Michigan 48109-1215

March 7, 2014

Michael V. Savala, Esq.
General Counsel
Iowa Department of Corrections
Jessie M. Parker State Office Building
510 East 12th Street
Des Moines, IA 50319
Sent via email

RE: Request for Public Records: Follow-up

Dear Mr. Savala:

We are in receipt of your letter of February 27. We thank you for your reply and for the records fulfilling Item 2 and Item 4 of our public-records request of February 14.

For Item 1 (inmate handbooks/manuals), you estimate that would take each of the nine facilities two hours to locate, retrieve, tally, and compile their inmate handbook/manual, rendering a cost for Item 1 (at a rate of \$15 per hour) at \$270. For Item 3 (grievance data), you estimate that it would take the central office staff 30 hours to locate, retrieve, tally, and compile grievance data from 2003 to present, rendering a cost for Item 2 (at a rate of \$15 per hour) at \$450. Thus, you indicated that the total cost to provide records for both items would be \$720.

Our project is a nonprofit venture with a limited budget. Of the fifty states we have surveyed, most states have provided all the records we have requested free of charge, or for a modest fee under \$50. The \$720 fee is, by far, the highest assessed by any state. It would be a prohibitive cost for us.

However, we are willing to work to the IDOC to clarify or modify our request, and we do so by this letter. We hope to reduce any administrative burden on IDOC and avoid the assessment of high fees while still receiving useful data to advance our project and serve the public interest.

Item 1

For Item 1, we requested inmate handbooks or manuals. We do not understand how IDOC generate its estimate of two hours per institution to fulfill this request, which requires no tallying, compilation, or review. Since handbooks or manuals are typically given to inmates upon arrival and are maintained by each institution, we assume that such documents are readily available, whether in hard copy or in electronic form (e.g., Microsoft Word file or PDF). Retrieval time for these would thus be negligible, rendering the “the actual cost of” providing these records, “includ[ing] only those expenses directly

attributable to supervising the examination of and making and providing copies,” Iowa Code § 22.3, very low. If these records are readily accessible, as one would expect, providing such documents would take minutes, rather than hours, of employee time.

We would ask for clarification on how IDOC derived its two-hour estimate for Item 1, and consider revising its estimate downward, preferably to zero. We would be happy to receive the items in the same format as you provide them to prisoners, which should minimize the cost.

Item 3

For Item 3, we requested records reflecting certain grievance data or statistics from 2003 to present. You estimated that fulfilling this request would require thirty hours of work from the Central Office “going back to 2003 and breaking down the information [we] are requesting.” We would like to clarify and narrow the records we are seeking.

First, a clarification. Our request is a limited one. As we indicated in our letter in February 14: “We are not requesting individual grievance records. We are only requesting records that summarize, aggregate, or compile grievance data.” In other words, our request is framed to avoid the necessity of breaking down a very large number of information. If the IDOC has records such as monthly or yearly reports on grievances, indicating very basic data (number filed, disposition), providing these would be sufficient to satisfy our request.

Second, a narrowing of our original request. In order to further reduce any burden on IDOC, we are also willing to limit our request to records from 2008 to the present. This would eliminate the necessity of providing records covering another five years, and we hope will reduce the cost of fulfilling our request.

In light of these considerations and the substantial narrowing of our request, we would ask for a revised estimate for Item 3.

We look forward to continuing to work with Iowa DOC to fulfill our request. We thank you for your time and attention to this matter.

Sincerely,

Benj. Cavataro

Benjamin L. Cavataro
Prison Information Project
University of Michigan Law School
prison.info.project@umich.edu