



# STATE OF IOWA

TERRY BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
BETH TOWNSEND  
EXECUTIVE DIRECTOR

## Minutes of the February 9, 2012 Meeting of the Iowa Civil Rights Commission

**I. Roll Call:** Chapman, Lipski, Spicer, Williams, Morain  
**Staff:** Townsend  
**Public:** Arnold Woods, President, NAACP, Des Moines Chapter; Rev Keith Ratliff, Russ Lovell, Max Knauer, Leonard Bates, Matt Ukabiala, Sharon K. Brown, Jonathon Wilson, other members of local NAACP, ICRC staff

**II. Minutes from October meeting:** approved by unanimous consent

**III. NAACP Presentation by Arnold Woods and Rev Keith Ratliff.**

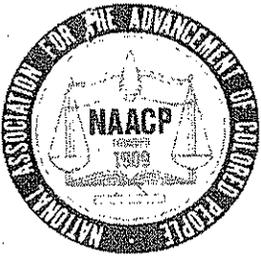
Local NAACP discussed concerns about historically low PC rate, lack of public hearings, public uncertainty about meaning of "probable cause", lack of representation of Complainants, how complainants allegations are evaluated, appearance of funding as motivation to close cases faster and more often, and whether ICRC is available to help public - all of which operate to negatively impact the ability of the ICRC to be a credible law enforcement agency. See attached letter, report and written comments for specifics and basis of concerns discussed in the meeting. Discussed various recommendations for improvements with Commissioners, Executive Director and staff. Director Townsend reported changes undertaken since February 2011 to address similar concerns previously identified. For instance reported reduction of the non-housing investigative backlog by 50% between high in May 2011 and January 2012; overhaul of investigative process in August 2011; renewed focus on in-depth screening analysis since August 2010; reclassification of three CRS positions; reorganization of the administrative unit to speed processing; changing mediation program in March 11 to volunteer mediators; and revisions of complaint form and questionnaires.

**IV. Reports – due to the length of time spent with the NAACP, minimal reports were given.**

**V. Next Meeting was set for April 12, 2012 at 3:30 pm at the Iowa Civil Rights Commission.**

**Adjournment**

A handwritten signature in cursive script, appearing to read "Beth Townsend".



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
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ARNOLD WOODS JR., PRESIDENT

January 5, 2012

Beth Townsend  
Executive Director  
Iowa Civil Rights Commission  
400 East 14<sup>th</sup> Street  
Des Moines, IA 50319

Dear Ms. Townsend:

We are writing to you on behalf of the Iowa State Conference of Branches of the NAACP and the Des Moines Branch and its Executive Committee. We respectfully request the opportunity for representatives of the State Conference and the Des Moines Branch to appear before the Commission at its next meeting and to present and discuss with Commissioners concerns we have about the enforcement process of the Iowa Civil Rights Commission.

The reasons for our concerns are expressed in the enclosed memorandum to the Commission. They grow out of the fact, evident in the reported data, that only a minuscule percentage of the complaints of unfair and discriminatory practices in non-housing cases that are filed with the Commission are "screened in" and result in a finding of probable cause. Due to the failure to find probable cause, the litigation enforcement efforts of the ICRC in non-housing cases are largely non-existent and have been for fifteen (15) years. On its face, and especially in comparison with neighboring states, that record undermines public confidence that the Iowa Civil Rights Commission is an effective force in the quest to end unfair and discriminatory practices.

In making this request, we pursue the mission of the NAACP "to ensure the political, educational, social, and economic equality of rights for all, and to eliminate hatred and racial discrimination." The NAACP, through the Iowa-Nebraska State Conference and the Des Moines Branch, strives to ensure that "all individuals are treated fairly and equally," and thus we vigorously oppose all unlawful discrimination whatever the context—housing, public accommodations, education, credit or employment—and on whatever basis. To that end we have instituted litigation that successfully challenged and ended racial discrimination in employment by the City of Des Moines and its Fire Department; we prepared and submitted to the Governor a thorough and detailed report—NAACP Critique of Iowa State Government Employment (2007)—which served as a catalyst for then Governor Culver's Executive Order on Diversity; and our members have followed with interest the class action against the State of Iowa alleging racial discrimination in employment that was tried early last fall in the Polk County District Court. At a time when unemployment rates for African Americans only dipped below 16% in November 2011, according to the Bureau of Labor Statistics, ending racial discrimination in employment is a *high* priority of the NAACP.

Letter to Executive Director Beth Townsend  
January 5, 2012  
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We understand that the mission of the Commission, like ours, is to ensure that all individuals are treated fairly and equally, and it speaks powerfully to us when you say, as you did in your letter of November 14 to Governor Branstad accompanying the Commission's Annual Report for 2011, that the "mission of the Iowa Civil Rights Commission is to end discrimination within the state of Iowa." We are keenly interested in the work of the Commission. We note from your most recent Annual Report, for example, that more than 80% of cases docketed with the Commission this past fiscal year (1539/1891) involve employment claims and that racial discrimination was alleged in 45% (787/1743) of the non-housing cases docketed with the Commission. Whether in the area of employment or in other areas, we earnestly support the role of the Commission. Our members need it to be visible and effective in receiving and resolving claims of unfair and discriminatory practices, in its mediation and conciliation activities, and in its education, outreach, and training efforts.

Our members, indeed, all Iowans, need to have confidence in what the Commission is doing in processing claims of unfair and discriminatory practices and in working "to end discrimination within the state of Iowa." In truth, the confidence of the people in the integrity, diligence, and fairness of the Commission is as essential to the Commission as it is to us. We therefore fully support the commitment implicit in your letter to Governor Branstad when you say that a "credible ICRC that enforces the ICRA ensures that



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ARNOLD WOODS JR., PRESIDENT

Iowa has a diverse and inclusive workforce and a more welcoming business environment as well as ensuring that all Iowans have equal access to housing and services.” (Emphasis added) The data assembled and discussed in the accompanying memorandum to the Commission draws that credibility into serious question.

For us and our members the reported data raise serious questions and concerns about the Iowa Civil Rights Commission’s standards and enforcement process. Accordingly, we would like to appear before the Commission at its next meeting. We know that you have been willing to accommodate our request in the past and place it on the agenda and understand that you have done so for the Commission’s meeting in February of 2012. We appreciate that and look forward to that meeting. Your November 14 letter to Governor Branstad indicates that you have already taken steps to improve the process for handling non-housing claims. We are eager to learn about the increase in personnel in the screening unit and the complete overhaul of the investigative process that you report. We have other questions as well, and ask to meet with you well in advance of the February ICRC meeting—hopefully by January 13—so we are up to date on the current process and have your current thoughts as to the problems we have identified and the needed remediation. We will call to set up a meeting at a mutually convenient time.

Sincerely,

Rev. Keith Ratliff

President, Iowa-Nebraska State Conference of the NAACP

Arnold A. Woods, Jr.

President, Des Moines Branch of the NAACP

Phone: 515.778.4813

The Iowa Civil Rights Commission

February 9, 2012

3:30 p.m.

Testimony of

Rev. Keith Ratliff, President, Iowa-Nebraska Conference of the NAACP, and  
Arnold A. Woods, Jr., President, Des Moines Branch of the NAACP

1. We appreciate the opportunity to present to the members of the Iowa Civil Rights Commission the deep concerns we have about enforcement of the Iowa Civil Rights Act by the Commission over the past 15 years.
  - a. The data shows that almost without exception no more than 1% of the complaints of unfair and discriminatory practices filed with the Commission in non-housing cases are “screened-in” and result in a finding of probable cause.
  - b. As you know from our memorandum to you, that rate of 1% compares unfavorably to surrounding states—Nebraska, Minnesota, Illinois—for which we have comparable data.
  - c. In a meeting with Executive Director Townsend we learned that *no* non housing complaint has been brought before the Commission for public hearing in eight to ten *years*.
  - d. That lack of enforcement has a *profound* impact on the credibility of the Commission among our membership and no doubt others, and it has to affect employment and other practices in Iowa, contrary to the purposes of our Iowa Civil Rights Act. We want that to change.
  - e. We would like to talk with you about the investigative and enforcement processes. We are asking members of the Commission, with Executive Director Townsend and her staff, (1) to identify systemic problems hindering enforcement efforts, (2) to allow us the opportunity for input, (3) to address those problems in rules and practice, and (4) to report back to us on any explanation and on changes to be made.

2. We *do* want to express appreciation to Executive Director Townsend for her openness and for changes that we learned she has been making or working on at the staff level. At our request she promptly set up a meeting, and we had very good discussion with her about the investigative process and our concerns about a month ago. What are those concerns?
3. We are concerned about the speed and length of investigations. We learned that often the staff would grant continuances to the respondent after a complaint was made, or simply wait until the respondent had answered, and if the respondent failed to answer, would not proceed. We are pleased that the Executive Director is working on changing that and intends for complaints to be processed and a determination of whether to “screen in” a case and whether probable cause exists within 180 days. Time is usually of the essence to a person complaining of unfair and discriminatory practices. Director Townsend reported that prompt investigation increases the likelihood that witnesses can be found and will remember events and facts needed for the investigation. So we applaud this major change in staff policy and want to underscore its importance to the Commission that complaints be processed in a timely, expeditious manner.
4. We are concerned because we do not know and have not been able to find a definition or explanation of the standard for “probable cause” as used by the Commission and its staff in the course of investigations and in making findings and recommendations. The notion of “probable cause” is critical to the work of the Commission and the fulfillment of the Act. It’s also critical to people’s confidence that the Act is truly being enforced. *Many* complaints are “screened out” because the staff does not believe it likely that probable cause for finding a violation will be found. What standard is being applied? With such a minuscule percentage of cases in which “probable cause” is found, it must be a really high bar. Is it? Why would it be? We think that the Commission should address this question and state what it is in a rule for the staff to apply and for all to know.
5. We are concerned about the investigative process and what we see as systemic problems.
  - a. Our first concern is just the time it takes to investigate complaints, resulting in huge backlog and discouraging people from filing a complaint in the first place. Again, we express appreciation to Executive

Director Townsend for working to address this. She wants the probable cause determination to be made within 180 days of filing, and we endorse that wholeheartedly. We would strongly suggest that the Commission require and publish a quarterly report on cases that are more than 180 days old without a determination of probable cause having been made. Communication to the public will foster credibility for the Commission and help to ensure a process of accountability.

- b. A second concern regarding process involves the basis or record on which the determination is made. The complainant will only rarely be represented and may not be able to express himself or herself well. An employer, on the other hand, will have experienced human resources staff or even a lawyer or staff trained by a lawyer able to respond very carefully and in detail. That is not a level playing field, and the complainants will usually need help.
- c. A third concern is how the credibility of the respondent is taken into account. To take an employment case as an example, the employer has keen interest in the outcome, and the question necessarily arises whether to believe or accept the employer's account in response to a complaint. Are doubts or questions about credibility resolved in favor of the complainant, allowing the complaint to be "screened in" and the case to go forward for further investigation? What rule of the Commission addresses this? We believe all facts should be interpreted in the light most favorable to the complainant, and issues of credibility should be resolved in favor of the complainant, for screening-in purposes
- d. A fourth concern is systemic. We know that the Commission's funding from the federal government (EEOC) is based on the number of cases closed. The perception is certainly out there that there is pressure to close cases in order to ensure continued flow of funds and without cut or decrease. The appearance is created, and a lot of people who know of this believe, that this pressure results in cutting off investigation and closing cases without ensuring them the attention they deserve. That may *not* be the case, and let us be very clear that we do not intend to impugn or attack the integrity of any staff member or member of the Commission. But that is the appearance. Funding based on case closings is required by the federal statute, we are told, and that isn't likely to change; and we don't know whether an increase in state funding is likely.

But this systemic appearance is a factor affecting how the Commission is regarded, and that makes all the more important addressing what you *can* change.

6. Finally, we are concerned about what the lack of any public hearing in perhaps ten years says about the *culture* of the Iowa Civil Rights Commission. The incredibly small percentage—1%—of cases in which the staff finds probable cause says the same thing. The Commission needs to be seen as a forceful and vigorous enforcer of the Iowa Civil Rights Act, and with no hearings and a minuscule percentage of findings of probable cause, it is not seen as vigorously enforcing the Act. There is a need for public hearings if the Commission is to fulfill that role. We do not believe that discrimination in Iowa has disappeared. We do not believe the 1% rate is aberrational because it has remained at that level for the past 15 years, year after year. We don't know why the rate is a lot higher in Illinois, Minnesota and Nebraska. And as we say, we are concerned about what that says about the culture of the Commission.
7. In closing, we tell you that we want the Commission to be, and to be seen as, a very effective advocate for fair and equal treatment, as a vigorous enforcer of the Civil Rights Act. And in raising these issues with you, we want to be helpful in addressing concerns and coming up with solutions. And so,
  - We would like the Commission itself to address these concerns and commit to reforming its enforcement role.
  - We want to continue meeting with Executive Director Townsend about our concerns and to be able to provide input to her as she and the staff and you develop and consider proposed changes in enforcement procedures.
  - And we would like the Commission to report back to us and to the public on the Commission's progress.

Thank you very much.

## MEMORANDUM

**To:**

**From:**

**Date:** December 30, 2011

**Re:** Low Probable Cause Rate at Iowa Civil Rights Commission

### **Executive Summary**

1. 1. Utilizing the Annual Reports of the Iowa Civil Rights Commission ("ICRC") and the public reports of the analogous state civil rights agencies in our neighboring states of Nebraska, Minnesota, and Illinois, the NAACP Des Moines Branch has assembled data on the ICRC's enforcement efforts in non-housing cases for each of the past fifteen years. Those cases include employment, credit, education and public accommodations and comprise more than 90% of the complaints filed with the ICRC. The assembled data are very disturbing to us.
2. 2. Over the fifteen year period from 1996 to 2011, the public records of the ICRC reveal that the ICRC finds no probable cause in non-housing cases in all but 1.5% of its cases. The ICRC probable cause rate of 1.5% is disturbingly low and when placed in comparison to neighboring states for which comparable data is available is even more disturbing. The probable cause rates of the comparable state agencies in Nebraska, Minnesota, and Illinois are 6.4%, 8.2%, and 15.7%, respectively. There is no apparent reason why the Iowa probable cause rate is so dramatically different.
3. 3. The NAACP is deeply troubled by what, on its face, appears to be a seriously flawed enforcement process at the ICRC. It appears to us that there are systemic or structural problems at the ICRC which have almost completely undermined its enforcement of the Iowa Civil Rights Act. Civil rights enforcement is the core responsibility of the Commission, its reason for being, and the individual claims of discrimination over which it has exclusive jurisdiction represent the most fundamental of constitutional and civil rights.
4. 4. Securing and vindicating those rights lie at the heart of the NAACP's mission. □Therefore, the NAACP Des Moines Branch and the Iowa-Nebraska Conference of Branches request the Commission (a) to examine and explain the data and (b) to make research, identification, and remediation of any systemic or structural problems that may exist its highest priority. We have requested to appear before the Commission in February 2012, and we will ask that the Commission schedule a meeting no later than sixty days afterwards to report back to us and the public its assessment of the data, its identification of systemic or structural problems, and remedial steps it has taken or proposes to take.

## Background

The Iowa Civil Rights Commission (the "Commission") was created in 1965 by the Iowa Civil Rights Act. The Commission is charged with enforcement of the Act, and as stated in Iowa Code § 216.5, among the powers and duties that it has been assigned is the power and duty "[t]o receive, investigate, mediate, and finally determine the merits of complaints alleging unfair or discriminatory practices." During each of the last five years the Commission has received complaints of unfair or discriminatory practices approaching or exceeding two thousand (2,000) in number.

The Commission has jurisdiction over charges of discrimination in employment, housing, public accommodations, and so forth. Due to guidelines from the U.S. Department of Housing & Urban Development, the Commission utilizes a different probable cause procedure for housing cases and a significantly higher percentage of housing cases go to hearing before the Commission. For purposes of this analysis, we will focus on the non-housing cases processed by the Commission as it is the extraordinarily low probable cause rate in these cases that is the cause of the NAACP's concern. These cases are by far the largest number on the Commission's docket, and the great bulk of them involve claims of employment discrimination.

A central point in the Commission's system for processing complaints of discrimination is the determination of whether there is probable cause (PC) that an unfair or discriminatory practice has occurred. In non-housing cases if probable cause is found the Commission works to reach a settlement for the complainant, and if no settlement is reached, the case is considered for prosecution at a hearing before the Commission where the complainant is represented by lawyers from the Attorney General's office. But if no probable cause (NPC) is found in such cases, the matter is closed, and, while judicial review of the NPC decision is available, the NPC decision is for all practical purposes final because courts are very deferential to the agency. When a NPC decision is made, no right-to-sue letter is given to the complainant, and the complainant may not bring suit in court based on his or her civil rights claim. Because of the Commission's extraordinarily low PC rate over the past fifteen years and the reality that a NPC decision cuts off their right to sue in court, those complainants who have a lawyer typically will request a right to sue letter from the Commission rather than wait for its decision on probable cause.

Moreover, non-housing cases go through a preliminary screening process prior to the decision on probable cause. If the complaint is "screened in," the case is assigned to a neutral, fact-finding investigator for a determination of probable cause. If "screened out," the case is closed and no investigation takes place. A complainant may request reconsideration by the Commission or may retain an attorney and sue in court. But otherwise the Commission does not proceed further with the complaint. The screening is presumably tied to whether a finding of probable cause seems likely. In short, barring a right to sue letter the request for which envisions private litigation, all litigation of a civil rights charge is dependent on a finding of probable cause.

Of the approximately two thousand (2,000) complaints that individuals have filed with the Commission in each of the last five years, indeed, in each of the last fifteen years, only a minuscule percentage are "screened in" and result in finding of probable cause. This is true whether the results are viewed absolutely or in comparison with the civil rights agencies in

bordering states. Outside of housing complaints the litigation enforcement efforts of the ICRC are now nearly non-existent. This is a result that is puzzling and of serious concern to The Des Moines Branch of the NAACP and the community. The Branch knows that progress has been made in fighting discrimination, but it is certain that discrimination has not been completely eliminated. In searching for other causes of the lack of litigation by the Commission, the Des Moines Branch of the NAACP examined the probable cause rate.

### Methodology

In evaluating the probable cause rate of the Commission, we have looked at two figures. First, we examined historical rates at the Commission to see if a trend appeared. Second, we compared the probable cause rate at the Commission with recent experience in the civil rights agencies of states bordering Iowa for which comparative data was available, specifically, the states of Nebraska, Illinois, and Minnesota.

Two rates were computed for each state. First, the "raw" probable cause rate was found by dividing the number of probable cause findings by the total number of closures. Second, a "modified" probable cause rate was calculated by (1) reducing the total number of closures by the number of withdrawals, pre-finding settlements of various kinds, right-to-sue letters issued before any determination of probable cause, and findings of no jurisdiction and then (2) dividing the number of probable cause findings by the resulting, lower number of closures. There are advantages to looking at both the "raw probable cause" rate and the "modified probable cause" rate.

The main advantage of the "raw" rate is as a means of comparison between years or between jurisdictions. Case processing varies over time and place. For example, what is *called* "settlement" may differ between any two states. But the raw number of probable cause findings and the total number of closures are established and familiar concepts for which data is available. Miscellaneous closures, such as a finding of no jurisdiction, can be assumed to be essentially random over time and place. Accordingly, the effect on rates in Iowa and in Nebraska caused by including "no jurisdiction" cases in the denominator should be about the same. In other words, there is no reason to think that Iowa has a higher *percentage* of miscellaneous closures than other states, and so the "raw" rate provides a readily available basis for comparison between any two or more states.

The main advantage of the "modified" rate is that it more accurately reflects the true probable cause rate. A case settled at the pre-determination stage or screened out because the Commission lacks jurisdiction is never evaluated by the agency on its merits. By including such cases in the denominator the raw rate tends to under-report the true probable cause rate. We therefore have excluded closures prior to screening from the denominator in calculating the modified rate. However, we have *not* excluded "screen outs" except those that are followed by a right to sue letter. Cases closed because they have been screened out (and which are not accompanied by a right to sue letter) are permanently closed with no agency remedy possible, just like cases closed because of a finding of "no probable cause." In both cases the Commission will not serve as a complainant's advocate and will not exercise its powers to seek settlement or a result sought by the complainant. We have been able to calculate the modified rate in Nebraska and Illinois and to

compare the modified rate in Iowa with the modified rates in these states.

## Reported Data

### Historical Probable Cause Rates at the Iowa Civil Rights Commission

Year	# Closures	Raw PC Rate	Modified PC Rate	5 yr average "Raw" Rate	5 yr average "Modified" Rate
96to97	2202	1.3% [28]	1.6%		
97to98	2211	1.4% [30]	1.8%	1.3%	1.7%
98to99	2372	1.1% [27]	1.6%	10,985 closures	[8368]
99to00	2105	0.9% [19]	1.2%		
00to01	2095	1.7% [36]	2.4%		
01to02	2199	0.9% [19]	1.2%		
02to03	2295	1.0% [22]	1.3%	1.2%	1.7%
03to04	2000	1.9% [37]	2.5%	10,823 closures	[8159]
04to05	1998	1.7% [34]	2.3%		
05to06	2331	0.9% [20]	1.1%		
06to07	1739	1.7% [30]	2.5%		
07to08	2007	0.7% [15]	1.0%	.8%	1.1%
08to09	1837	0.6% [11]	0.8%	9299 closures	[6582]
09to10	1953	0.7% [14]	1.0%		
10to11	1763	0.3% [5]	.4%		

The most recent 10-year average is: 1.0% raw rate 1.4% modified rate  
 The 15-year average is: 1.1% raw rate 1.5% modified rate

The raw rate for Iowa averages just over 1% for the last 15 years, and less than 1% in each of the last 4 years. The average modified rate is slightly higher than that, as it should be. Nonetheless, the average modified rate for Iowa is only 1.4% over the last 10 years and only 1.1% over the last 5 years. Thus, in the most recent 5 years the modified rate has decreased to about 3/4<sup>th</sup> of the 15-year average.

In contrast, as the charts on the next page reveal, of the surrounding states of Nebraska, Minnesota, and Illinois, the lowest multi-year average raw rate is 5.6% in Nebraska, and the lowest modified rate is 6.4%,

again in Nebraska. The average raw rate in Nebraska, therefore, is five times the rate at which probable cause is found in Iowa, and the average modified rate is four times the rate at which probable cause is found in Iowa. In Minnesota the average raw rate is nearly six times the average raw rate in Iowa over the last ten years.

Probable Cause Rates in Other States

NEBRASKA

Year	Raw	Modified
04-05	7.0%	8.2%
05-06	5.6%	6.2%
06-07	7.2%	8.2%
07-08	4.0%	4.8%
08-09	5.1%	5.8%
09-10	4.0%	4.8%
6 YR	5.6%	6.4%

MINNESOTA (calendar year, only raw available)

Year	Raw
05	5.0%
06	9.3%
07	6.0%
08	10.5%
09	11.0%
5 YR	8.2%

ILLINOIS

Year	Raw	Modified
04-05	7.0%	14.0%
05-06	6.6%	11.6%
06-07	8.2%	17.0%
07-08	9.7%	20.0%
08-09	7.9%	16.4%
5 YR	7.9%	15.7%

As is apparent from the chart above, the average raw rate in Illinois over the five-year period between 2005 and 2009 is 7.9%. In contrast, Iowa's average raw rate over the same period is 1.1%. During those same years, the average *modified* rate in Illinois was 15.7% but only 1.54% in Iowa. The 15.7% highest average modified rate in Illinois is 10 times the comparable rate found in Iowa.

The chart on the following page—Average Raw Probable Cause Rates for 2004-05 through 2008-09 for Iowa, Nebraska, Minnesota, and Illinois—displays the differences between and among the states for the most recent five years for which all states have reported data (2005-2009).

**Average Raw Probable Cause Rates for 2004-05 through 2008-9  
for Iowa, Nebraska, Minnesota and Illinois**

**Assessment**

The reported data document that Illinois, Minnesota, and Nebraska are measurably, even substantially, more likely to find probable cause of an unfair or discriminatory act than the Commission is in Iowa. In fact, a decade and a half of data show that the Iowa Civil Rights Commission is finding probable cause at a markedly low rate whether viewed on an absolute scale or when compared to other states in our region.

The cause of the low probable cause rates is not known. The Iowa-Nebraska Conference and the Des Moines Branch of the NAACP believe that several outside factors can be safely eliminated as explanations. First, we do not think discrimination in Iowa has ended and strongly question whether it has been eliminated to such an extent as to explain raw and modified probable cause rates so different from those in Illinois, Minnesota and Nebraska. Second, we do not believe that the average raw and modified rates in Iowa present an atypical picture or are aberrational. The Iowa rates are based on more than 30,000 reported closures over a period of 15 years. Third, while case-processing may vary from state to state and the precise definition or functional meaning of "probable cause" may also vary from state to state, if they do so to such an extent as to cause the magnitude of difference in finding probable cause that the reported data shown here reveal (with Iowa a fourth of the *lowest* raw and modified rates), that raises serious questions about the meaning of "probable cause" and the manner in which cases are handled by the Commission. Indeed, to raise those questions with the Commission is one point of this memorandum.

A larger point is that the Iowa-Nebraska Conference and the Des Moines Branch of the NAACP strongly support the mission of the Iowa Civil Rights Commission, in the words of the Executive Director, "to end discrimination within the state of Iowa." The reported data raise serious questions whether the Commission or its staff has been doing enough to accomplish that great goal. We understand from the Commission's most recent Annual Report that there has been an overhaul of the Commission's investigative process during this past year. We also note that although the probable cause rate for the most recent year is the lowest ever, this low rate seems to be the result of a marked decrease in determinations of any sort on the issue of probable cause. The decrease in such determinations may be a result of dealing with the recent changes in personnel as well as process. Nevertheless, in light of 15 years of extraordinarily low probable cause findings, the Iowa-Nebraska Conference and the Des Moines Branch of the NAACP conclude that there has been a fundamental flaw in the Commission procedure in non-housing cases.

The Branch is requesting and will welcome the opportunity to explore these reported results with

the Commission and to work with the Commission to identify and address what we perceive to be a flawed process. For members of the Conference and the Des Moines Branch of the NAACP, that is essential to the community's confidence in the Commission and to its credibility and effectiveness in fighting and working to end illegal discrimination.