
IN THE SUPREME COURT FOR THE STATE OF IOWA
No. 24-0189
Polk County District Court No. EQCE089390

**MICHAEL CHANDLER, EDDIE JONES, AND CHAD MADDISON, ON BEHALF
OF THEMSELVES AND ALL OTHER SIMILARLY SITUATED,**

Plaintiffs/Appellants,

vs.

IOWA DEPARTMENT OF CORRECTIONS,

Defendant/Appellee.

Appeal from the Iowa District Court for Polk County,
Honorable Coleman McAllister

Brief of Amicus Curiae by the
Iowa Professional Fire Fighters Association

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IOWA R. APP. P. 6.906(4)(D) STATEMENT

No party or party's counsel to the underlying action authored this brief in whole or in part nor contributed money to fund the preparation or submission of this brief. No other person contributed money to fund the preparation or submission of this brief.

INTEREST OF AMICUS CURIAE

The Iowa Professional Fire Fighters Association ("IPFF") is a state wide representative, representing various local collective bargaining organizations in the State of Iowa. *See* Iowa Code Ch. 20 (2024), *generally*. The IPFF represents various local bargaining units and firefighters within and throughout the State of Iowa.

In 2007, the Iowa legislature created the "Peace Officer, Public Safety, and Emergency Personnel Bill of Rights." Iowa Code §80F.1 (2024). All amicus firefighters represented by the IPFF are included in the definition of "officer" under Chapter 80F. Iowa Code §80F.1(1)(f) (2024). As members affected by decisions of this Court in the interpretation of Chapter 80F, IPFF has an undisputed interest in the case before this Court.

The IPFF, in submitting this amicus brief to the Court, does so in strong support of Appellants to the above-captioned matter.

ARGUMENT

I. IOWA CODE SECTION 80F.1(13) EXPRESSLY PROVIDES APPELLANTS A PRIVATE RIGHT OF ACTION FOR A VIOLATION IOWA CODE CHAPTER 80F.

A. Overview of Iowa Code Chapter 80F.

Since 2007, peace officers, public safety, and emergency personnel (“officers”) employed by the State of Iowa have had their rights codified and memorialized within Iowa Code Chapter 80F by the Iowa legislature. *See* Iowa Code Chapter 80F (2024). The overwhelming purpose of Chapter 80F, amongst other rights afforded, is to enshrine officers’ rights and procedural protections upon the initiation of a formal administrative investigation, complaint, and potential discipline. *See Galanakis v. City of Newton*, 2023 WL 3479167, *12 (S.D. Iowa May 8, 2023); *C.f.*, *Williams v. Bullock*, 960 N.W.2d 473, FN. 1 (Iowa 2021); *See also, generally*, Iowa Code §80F.1 (2024).

Individuals protected by Chapter 80F are defined as: “certified law enforcement officer, fire fighter, emergency medical technician, corrections officer, detention officer, jailer, probation or parole officer, communications officer, or any other law enforcement officer certified by the Iowa law enforcement academy and employed by a municipality, county, or state agency.” Iowa Code §80F.1(1)(f) (2024).

Upon the initiation of an expedient formal administrative investigation, the officer has numerous rights afforded to them under the statute before, during, and after a formal complaint and investigation. *See generally*, Iowa Code §80F.1 (2024). Relevant to the purposes of the underlying action, amicus IPFF will focus solely on the rights afforded to officers following the conclusion of an investigation and administration of discipline. Specifically, Iowa Code Section 80F.1(1)(9) states:

[i]f a formal administrative investigation results in the removal, discharge, or suspension, or other disciplinary action against an officer, *copies of any witness statements and the complete investigative agency's report shall¹ be timely provided to the officer upon the request of the officer or the officer's legal counsel upon request at the completion of the investigation.*

Iowa Code §80F.1(9) (2024) (*emphasis added*). Further, Chapter 80F, as initially drafted, provided the only remedies afforded to officers was if they were subjected to such a complaint and investigation and it was false. Specifically, Iowa Code Section 80F.1(13) previously stated: “[a]n officer shall have the right to pursue civil remedies under the law against a citizen arising from the filing of a false complaint against the officer.” Iowa Code §80F.1(13) (2020).

¹ The word “shall” as defined by the Iowa Code, “imposes a duty”. Iowa Code §4.1(30) (2024).

However, in 2021, the Iowa legislature amended Section 80F.1(13) to the current language codified today:

An officer *shall* have the right to bring a *cause of action* against any person, group of persons, organization, or corporation for damages arising from the filing of a false complaint against the officer *or any other violation of [Chapter 80F]* including but not limited to actual damages, court costs, and reasonable attorney fees.

Iowa Code §80F.1(13) (2024) (*emphasis added*).

Therefore, in 2021, the previously restrictive language only allowing private rights of action to individuals subjected to false complaints and investigations was expanded to any and all violations of Iowa Code Chapter 80F. *Id.* In doing so, the Iowa legislature did not merely expand the remedies afforded to officers who have a false complaint filed against them; instead, the legislature wholly expanded the remedies afforded to officers for violations encompassing the entirety of Chapter 80F.

It is acknowledged that prior to the 2021 amendments, the Iowa Court of Appeals issued an unpublished decision which held Chapter 80F did not create a private right of action to an officer against their employer for violations of Chapter 80F. *Dautovic v. Bradshaw*, 2011 WL 1005432, *1 (Iowa Ct. App. March 21, 2011).

However, the differences between Section 80F.1(13) as then written, compared with the changes by the legislature in 2021, finds the *Dautovic* holding abrogated by statute. The changes in 2021 are insurmountable and drastically expand the rights of officers for violations of Section 80F.1.

For instance, the 2007 language, first and foremost did not include the encompassing language that an officer has a right to a cause of action for “any other violation of [Chapter 80F],” found within the 2021 amendment. Compare Iowa Code §80F.1(13) (2020) and Iowa Code §80F.1(13) (2024).

Moreover, the 2007 language held officers’ only private right of action was against “citizens,” instead of the current language expanding a person liable to “any person, group of persons, organization, or corporation.” Compare *Id.*

Finally, in emphasizing the intent to provide officers with a civil lawsuit, the legislature changed “civil remedies,” set forth in 2007 to “cause of action,” and included specific reference to “actual damages, court costs, and reasonable attorney fees,” set forth in the current language. Compare *Id.*

In amending Chapter 80F, specifically Section 80F.1(13), the Iowa legislature clearly and unambiguously expanded the rights afforded to officers who were subjected to violations of Chapter 80F as a whole. Therefore, included within Chapter 80F, is an officer’s right to receive their “complete investigative agency’s report,” as afforded to them under Section 80F.1(9). In failing to do so, an employer, or agency, has violated Chapter 80F and a private right of action is afforded to the officer.

B. An Officer’s Private Right of Action is Expressly Established.

With the above in mind, it is undisputed an officer’s private right of action for violations of Chapter 80F, specifically Section 80F.1(9) as relevant to this amicus brief, is expressly established by Section 80F.1(13). Simply put, the legislature has spoken.

“We do not ask what the legislature meant; we ask only what the statute means.” Oliver Wendall Holmes, *The Theory of Legal Interpretation*, 12 Harv. L. Rev. 417, 419 (1899). Iowa Courts are “bound by the words chosen by the legislature.” *Copeland v. State*, 986 N.W.2d 859, 865 (Iowa 2023). (internal citations omitted throughout). Further, it is this Court’s duty to accept the statute as the legislative body enacts it, so much that, “[e]very word “is to be given effect, if possible.” *Id.*

Moreover, this Court has found that courts:

“must place a reasonable construction on the statute which will best effect the purpose of the statute, rather than one which will defeat it...[t]he statute should not be construed so is to make any part of its superfluous unless no other construction is reasonably possible...[w]e will presume the legislature enacted each part of the statute for a purpose and intended that each part be given effect.”

In the Interest of G.J.A., 547 N.W.2d 3, 6 (Iowa 1996). This Court has gone further finding courts:

“will not construe a statute in a way to produce impractical or absurd results...and we should not speculate as to the probable legislative intent apart from the wording used in the statute...we are required to interpret the language fairly and sensibly in accordance with the plain meaning of the words used by the legislature.”

Carolan v. Hill, 553 N.W.2d 882, 887 (Iowa 1996). Finally, this Court found:

“Generally, we are to use rules of statutory construction as aids in determining legislative intent only when the terms of a statute are ambiguous. We are to give precise and unambiguous language its plain and rationale meaning as used in conjunction with the subject considered. We are therefore not to speculate as to the probable legislative intent apart from the wording used in the statute. We must look to what the legislature said, rather than what it should or might have said.”

Johnson v. Johnson, 564 N.W.2d 414, 417 (Iowa 1997).

In sum, this Court’s inquiry ends if the language of a statutory provision is unambiguous. *State v. Richardson*, 890 N.W.2d 609, 616 (Iowa 2017). “Any speculation about the legislature’s intent ... cannot displace the plain meaning [of the statute].” *Shaw v. Soo Line R.R. Co.*, 463 N.W.2d 51, 54 (Iowa 1990). Here, as set forth above, Section 80F.1(13) is not ambiguous. Once more, Section 80F.1(13) states, in relevant part:

An officer shall have the right to bring a cause of action against any person, group of persons, organization, or corporation for damages arising from ... any other violation of [Chapter 80F] including but not limited to actual damages, court costs, and reasonable attorney fees.

Iowa Code §80F.1(13) (2024). Thus, there is no need to resort to the use of “other tools” of statutory interpretation. Amicus IPFF does not feel it necessary to recite the dictionary terminology of each word in Section 80F.1(13) when a plain reading of the statute establishes the legislature’s intent as unambiguous.

Therefore, in reference to the underlying action and in light of the legislature’s 2021 amended language, the District Court erred in not finding Appellants had a private right of action under Iowa Code Section 80F.1(13) for Appellee’s violation of Iowa Code Section 80F.1(9).

C. In the Alternative, Applying the *Seeman* Test Establishes an Officer's Private Right of Action.

In the alternative, should this Court not find the express language of Section 80F.1(13) provides for a private right of action, it is clear the legislature *implicitly* intended to create a private right of action under Section 80F.1(13). It is acknowledged, “a violation of a statutory duty gives rise to a tort claim only when the statute, explicitly or implicitly, provides for such a cause of action.” *Kolbe v. State*, 625 N.W.2d 721, 726 (Iowa 2001). “Without such a provision, the violation of a statutory duty does not give rise to a private cause of action.” *Id.*

As set forth above, it remains amicus IPFF's position Section 80F.1(13) explicitly provides for such a cause of action. *See* Sec. A & Sec. B, *supra*. However, Section 80F.(13)'s private right of action is furthered by analysis into whether the legislature *implicitly* created this right.

With that being said, in determining whether an implied cause of action exists, in the “absence” of clear legislative intent, this Court applies the four-factor test adopted in *Seeman v. Liberty Mutual Ins. Co.*, 322 N.W.2d 35, 38 (Iowa 1982); *See also, Meinders v. Dunkerton Cmty. Sch. Dist.*, 645 N.W.2d 632, 636 (Iowa 2002) (applying the test under Iowa Code Section 279.13); *Kolbe*, 625 N.W.2d at 726-27 (Iowa Code

Section 321.177(7)); *Shumate v. Drake Univ.*, 846 N.W.2d 503, 509 (Iowa 2014) (Iowa Code Section 216C.11(2)); *Sanford v. Manternach*, 601 N.W.2d 360, 371 (Iowa 1999) (Iowa Code Chapter 903); *King v. State*, 818 N.W.2d 1, 34 (Iowa 2012) (Iowa Code Section 256.37).

The *Seeman* test requires this Court to ask:

1. Is the plaintiff a member of the class for whose benefit the statute was enacted?
2. Is there any indication of legislative intent, explicit or implicit, to either create or deny such a remedy?
3. Would allowing such a cause of action be consistent with the underlying purpose of the legislation?
4. Would the private right of action intrude into an area over which the federal government or a state administrative agency holds exclusive jurisdiction?

Seeman, 322 N.W.2d at 38. Central to this Court’s inquiry “is whether the legislature intended to create a private right to sue.” *Shumate*, 846 N.W.2d at 509. Again, akin to the arguments *supra*, this is undisputed.

The first and third questions can both be answered in conjunction and answered in the affirmative. First, these prongs are satisfied by merely looking at the title of Section 80F.1: “Peace Officer, Public Safety, and Emergency Personnel Bill of Rights.” Iowa Code §80F.1 (2024). Moreover, whether it is firefighters, police officers, or corrections officers,

all of whom are named and identified as those in which Section 80F was created for the benefit of. Iowa Code §80F.1(1)(f) (2024).

While not expressly providing a statement at the forefront of the statute, the plain reading of the statute surely provides the underlying purpose of the statute is to enshrine officers with the rights and procedural protections afforded to them, “particularly during the course of investigation into complaints of alleged misconduct.” *Galanakis*, 2023 WL 3479167 at 12. The first and third questions are without dispute.

As it pertains to the second question, in fear of being duplicative, amicus IPFF respectfully directs this Court to the abundance of arguments set forth *supra*, articulating an express intent to create such a remedy. Therefore, in review of the relevant statutory language set forth by the legislature, the second element is satisfied and this Court need not look further. *Richardson*, 890 N.W.2d at 616.

Finally, the fourth question can be dismissed as there has been no showing at this point in time that there is any federal or state administrative agency intrusion wherein exclusive jurisdiction would be at issue in any of the relevant subsections set forth herein. *See generally*, Iowa Code §80F.1 (2024).

In summary, although disputed as to the extent in which the analysis is required to find an implicit private of action under Section 80F.1(13); for the principles of law set forth above, should this Court not find an express private right of action exists, it is clear the legislature, at the very least, implicitly intended to create a private right of action for a protected individual subjected to a violation of Section 80F.1(13). The analysis required herein is incredibly similar and as such, so too, must be the finding in favor of Appellants. Reversal is required.

CONCLUSION

For the arguments set forth herein, amicus IPFF respectfully urges this Court to reverse the judgment of the District Court and find Iowa Code Chapter 80F expressly allows individuals protected by the statute to bring a private right of action under Iowa Code Section 80F.1(13).

In the alternative, even if this Court does not find Section 80F.1(13) expressly provides for a private right of action; amicus IPFF respectfully requests this Court find the Iowa legislature implicitly intended on providing for a private right of action for protected individuals, reversing the judgment of the District Court and remanding this case in accordance with this Court's holding.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on April 17, 2024, I electronically filed the Brief of Amicus Curiae Iowa Professional Fire Fighters Association with the Clerk of the Supreme Court by using the Iowa Electronic Document Management System which will send notice of electronic filing to the parties of record in this matter. Pursuant to Iowa R. Elec. P. 16.317(1)(a), this constitutes service of the document on the following for purposes of the Iowa Court Rules.

/s/ Kendra Levine
Kendra Levine

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE
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This brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(g)(1) (no more than 6,500 words) because this brief contains 2,471 words, excluding the parts of the brief exempted by Rule 6.903(1)(g)(1).

This brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(e) and the type-style requirements of Iowa R. App. P.6.903(1)(f) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 MSO in font size 14, Century Schoolbook.

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