



Governor Kim Reynolds  
Lt. Governor Adam Gregg  
San Wong, Director

## Justice Advisory Board Minutes of Regular Meeting

Google Meet  
Wednesday, September 21, 2022

- Present:** Hon. Jeffrey Neary (Chair, Ex-officio); John Haila, Vice Chair; Kim Cheeks; Nick Davis; Sarah Fineran; Tim Lane; Eileen Meier; Tina Meth-Farrington; Dee Sandquist; Monique Scarlett; Maria Smith; Sherri Soich; Kurt Swaim; Bruce Vander Sanden; Dale Woolery  
Ex-officio: Hon. Romonda Belcher; Rep. Mary Lynn Wolfe
- Staff:** Steve Michael; Mindi TenNapel; Heather Caspers; Ilma Jahic; Jill Padgett; Julie Rinker; Cheryl Yates
- Others:** Andrew Allen; JoAnn Finkenbinder; Bill Freeland; Laura Hessberg; Michaela Jens; Sonci Kingery; Sally Kreamer; Patrick Lacy; Brianna Potts; Jess Wiley; Heather Tubman-Carbone, DOJ; Katie Mosehauer; Ben Shelor; Vibha Venkatesha, CSG

### I. Call to Order, Welcome, and Introductions

The Honorable Jeffrey Neary called the meeting to order at 10:05 a.m. A quorum was present.

### II. Approval of Minutes—March 1, 2022

Kurt Swaim noted corrections to the minutes associated with Item V. 2022 Legislation Review. FH2372 should be HF2372. He also noted that the bill amends Iowa Code 707.8(3) as follows: a.) A person who intentionally terminates a human pregnancy without the knowledge and voluntary consent of the pregnant person is guilty of a class C felony. b.) A person who attempts to intentionally terminate a human pregnancy without the knowledge and voluntary consent of the pregnant person is guilty of a class D felony.

**Swaim moved to approve the minutes with the above corrections. The motion was seconded by Haila and passed unanimously.**

### III. Division Update

Steve Michael provided the following update:

- **Staff**—There are three vacancies—Justice Systems Analyst, Budget Analyst, and Juvenile Reentry Navigator. Heather Caspers was recently hired as a Justice Systems Analyst to replace Lanette Watson.
- **Recent court case—Pieper Lewis.** Michael reported that representatives from the Juvenile Justice Advisory Council (JJAC) will meet with the Governor on issues related to equitable services for high risk girls in the juvenile justice system. This ties into the adult court waiver and direct file processes for 16-17-year olds. He asked members to consider the following:
  - Eliminate the direct file for 16-17-year olds,
  - extend juvenile court jurisdiction up to age 21. This would provide additional time for juvenile court to rehabilitate these youth,

- only waive youth who have allegedly committed a felony offense.

He noted that all three would help keep young people under 18 out of the adult system and asked if this group would want the Chair or Vice Chair to join the meeting with the Governor with regard to these recommendations.

Members noted the following:

- Neary noted concerns with the fact that, at times, there are no options for judges. He noted that Lewis and her attorney presented information at a summer conference by the Iowa Bar Association. He noted the dynamics of this particular case, especially when victims become defendants. He thought it was worthy of additional discussion.
- Hon. Romonda Belcher noted that Lewis was not waived, but was on youthful offender status.
- Swaim stated the Office of the State Public Defender would abstain until more information could be gathered.
- Rep. Mary Wolfe thought there was a lot of bi-partisan support to give further consideration.
- **New member**—Nick Davis will represent the Board of Parole on the Justice Advisory Board.

#### IV. Council of State Governments (CSG) Justice Counts Initiative

Michael announced that the Council of State Governments (CSG) has been working with the Department of Corrections (DOC) regarding the Justice Counts Initiative. The project encompasses a variety of adult justice-related data and this is an opportunity for the JAB to endorse the project. In order for the Justice Counts Initiative to work with a state, there has to be an entity that “welcomes” them—JAB would be that entity. The Board needs to feel that it’s valuable to the state. CSG would work with Iowa at no cost.

Ben Shelor and Vibha Venkatesha with CSG provided an overview of the Justice Counts Initiative. The initiative promotes public access and use of data and assists states in their data usage to identify trends and to make policy decisions. The goal is to use existing tools and structures.

Seven subcommittees specializing in each sector of the adult criminal justice system provided crucial expertise to develop the Justice Counts metrics. This is an opportunity for ten states to join the initiative and receive 12 months of hands-on support to improve data literacy and use amongst policymakers. CSG would work with DOC, CJJP, and other entities that supply data.

Heather Tubman-Carbone, Bureau of Justice Assistance, U.S. Department of Justice, added that the Bureau is funded by Congress on the adult side. The goal is to develop federally-funded tools for the field, organizing data that are helpful, reducing time spent gathering data, provide information on how people move through the system, and fairness. Tubman-Carbone noted that this is not a data collection effort, but rather a data organization effort to develop tools for the field. The more entities in a state that enter their data, the more useful it is for the state. She offered to contact the federal Office of Juvenile Justice & Delinquency Prevention (OJJDP) to see if there is a program that would support similar efforts on the juvenile side.

Members noted the following concerns:

- The legislature doesn’t seem to pay attention to information sent to them by this Board. Is this a necessary service?
  - Michael responded that the effort is to package data across systems in a way that is more understandable.
  - Sarah Fineran added that DOC Director Beth Skinner has been working with CSG and their Justice Counts national initiative since mid-2020. When comparing Iowa data to other states’, the data are often siloed and de-centralized. Each state may use different definitions for recidivism. This initiative is to align states and allow state-state comparisons. She encouraged members to submit questions to the Justice Counts Board.

- Shelor stated that the technical assistance includes direct engagement with legislators and that this is a resource to help understand what the data mean.
- What is the impact on other agencies, for instance, staff time for data entry?
  - Vander Sanden noted costs of inefficiencies.
  - Fineran noted that the project involves a preliminary inventory and review of available data—reliability/fidelity of the data, necessary data elements. Other considerations are whether agencies have information that can be sent, is it feasible to send, and is it accurate and complete? The intent is to capture pre-existing information that is currently recorded, reliable, and consistent across states
- How many agencies will be involved?
  - Shelor reported that CSG would consult with law enforcement, city, county, and other agencies regarding the type of data they collect. A Justice Counts self-assessment is available on the CSG website. From that, commonalities across the state are identified and whether the data being collected are reliable.

**Swaim moved to support the Justice Counts Initiative, seconded by Monique Scarlett. The motion passed with abstentions by Haila, Nick Davis, Tim Lane, and Maria Smith.**

#### **V. Department of Corrections (DOC) – Recidivism Press Release**

Brianne Potts reviewed three-year recidivism rates for a cohort of offenders who exited prison in FY2019. The information included gender, race, ethnicity, and mental health. Of those who exited prison in 2019, 37% returned to prison within three years. That recidivism rate is less than the past by two percent. Recidivism rates for both males and females decreased, as well as by race with the exception of Asian and Pacific Islanders. They are also tracking those with mental illness.

Fineran noted that there are a number of factors that influence recidivism trends. Over the last several years, the DOC has implemented a number of efforts to reduce recidivism—institutional and community-based resources, improving reentry practices, a variety of risk-related tools, staff training, and offender access to educational resources and apprenticeship programs.

#### **VI. Juvenile Waiver Report**

Cheryl Yates presented information on the number of youth who entered the adult court system including those waived to adult court or direct filed during SFY2015 to 2021—a total of 3,311 youth. The presentation also included information on their supervision by the Department of Corrections (DOC), demographics, and length of stay.

Members expressed the following:

- Haila asked about convictions by race. Yates responded that staff could take the type of offense and identify the number found guilty.
- Neary would like to compare the number of youth whose probation was revoked to the adult population.
- Hon. Romonda Belcher noted that it is important to know the total state youth population, by race and gender, when discussing data on race and gender. The Black population is fewer.
- Monique Scarlett asked about equitable treatment for like offenses, preventative measures, and proper legal representation.

Michael noted pre-charge diversion efforts. There are three pilot sites in Iowa where all youth with simple misdemeanors are referred to a community program. This effort continues to hold youth accountable, yet avoid entering the juvenile justice system. He also noted that 50% of Black youth entered the system through their first simple misdemeanor offense.

## VII. 3-Year Plan Priority Areas and CJJP Research Projects

Mindi TenNapel and Yates reviewed the four priority areas and related goals (Racial Justice, Mental Health, Community Based Corrections and Alternatives to Incarceration, and Sex Offenders), as well as current and ongoing research projects that relate to each priority area. She asked members to consider action items that can move these priorities forward.

## VIII. Breakout sessions – Working Lunch

Members met in break-out rooms to discuss action items:

- Group 1 – Racial Justice
- Group 2 – Mental Health
- Group 3 – Community Based Corrections & Alternatives to Incarceration
- Group 4 – Sex Offenders

## IX. Action Item Discussion

Groups 1 and 2 reported the following items were discussed as possible action items:

Group 1:

- Pre-trial/pre-trial release reform
- Diversion
- Specialty Courts/pre- or post-conviction
- D felonies
- Youth sex offender registry – who those are
- Mandatory minimums
- Racial profiling
- Use of force

Group 2:

- Insurance/Medicaid access for work release
- How are mental health calls responded to?
- Better intervention/crisis services
- How are certain medications funded?

## X. Next Steps for 3-Year Plan Finalization

Due to technical difficulties and time constraints, only the first two groups were able to meet. There was consensus to hold individual group meetings and also select a meeting date in November. This information will be shared at a later date.

**XI. Public Comment**—There was no public comment.

## XII. Issues for Next Meeting

Workgroups will meet individually between now and the next scheduled meeting to be held in November.

## XIII. Adjournment

**Vander Sanden moved to adjourn, seconded by Haila. The motion was unanimously approved and the meeting adjourned at 2:06 p.m.**

Respectfully submitted,

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning