



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

Justice Advisory Board Minutes of Regular Meeting Google Meet*

Tuesday, November 1, 2022

Present: Hon. Jeffrey Neary (Chair, Ex-officio); John Haila, Vice Chair; Sonci Kingery for Beth Barnhill; Kim Cheeks; Shad Clayton; Nick Davis; Sarah Fineran; Tim Lane; Eileen Meier; Cody Samec; Kurt Swaim; Bruce Vander Sanden; Dale Woolery
Ex-officio: Rep. Mary Lynn Wolfe

Staff: Steve Michael; Mindi TenNapel; Heather Caspers; Ilma Jahic; Julie Rinker; Cheryl Yates

Others: Betty Andrews; Bill Freeland; Evan Johnson; Cheryl Nolan; Brianne Potts; Jess Wiley; Arnold Woods; Ben Shelor, Antoine Brunson, CSG

Call to Order, Welcome, and Introductions

Judge Neary called the meeting to order at 9:32 a.m. Introductions were made. A quorum was present later in the meeting, all items requiring action were handled at that time.

Approval of Minutes—September 21, 2022

John Haila moved to approve the minutes from the September meeting, seconded by Nick Davis. The motion passed with one abstention by Cody Samec.

Division Update

Steve Michael provided the following update:

- **Staffing**—Openings exist for a Justice Systems Analyst and Budget Analyst. A third juvenile reentry navigator was recently hired.
- **Juvenile Reentry Grant**—CJJP was awarded a new juvenile reentry grant from the federal Office of Juvenile Justice and Delinquency Prevention. The grant will allow expansion and an additional navigator. We will be tracking some performance measures to manage effectiveness and identify factors that make the biggest impact in the lives of youth.
- **Reports**—The three-year plan and the Prison Population Forecast are due December 1 to the governor and general assembly.

Role of Board Members

Neary noted that the purpose of this agenda item is to clarify the role of members of state boards and commissions. Michael added that the three-year plan will have recommendations for action that may be discussed with legislators. He wanted to make sure that members understood how to inform legislators without violating Iowa Code.

Division of Criminal and Juvenile Justice Planning

Caroline Barrett, Office of the Attorney General, provided information. As a board, there is a duty to create reports and provide recommendations. She suggested that members meet individually with legislators to provide information on the recommendations. However, she cautioned against lobbying and speaking on behalf of the Board. Educating officials about the Board's work is different from encouraging the passage or defeat of legislation or policy. In some cases, it may be best to register as a lobbyist or contact legal counsel who represents your agency. She also noted that DHR Director San Wong is a registered lobbyist and can communicate department needs and wants. Barrett offered to share her slides for future reference.

3-Year Plan Priority Areas

- **Workgroup Updates**

Mindi TenNapel reported that the purpose of this discussion was to review suggestions from the workgroup meetings, develop a list of action items, and finalize the three-year plan which is due to the governor and general assembly by December 1. Since the September meeting, workgroups met based on priority areas. A handout outlined the action items for each priority area.

- **Racial Justice—**

TenNapel reviewed concerns brought forth by the Racial Justice Workgroup. She asked members to identify action items that should be included in the three-year plan.

The following highlights discussion:

- How many individuals are charged with crimes that are later dismissed or they plead guilty because they don't have legal representation, can't afford legal representation, etc.? TenNapel asked for thoughts on how to collect that data.
- Neary noted the variables in charging by prosecutors, witnesses not showing up, and concerns on how to collect data. There may be some law enforcement agencies gathering data for their own policing decisions. Can we gather geographical information that helps pinpoint communities that need attention and target programs that would be helpful?
- Michael noted that urban law enforcement agencies collect data by zip code and utilize that information to address coverage. However, poorer neighborhoods tend to be over-policed which causes more arrests and charges.
- The FBI's Uniform Crime Reporting system lacks data for all crimes in Iowa and not all agencies report. Therefore, this information is not as useful as it could be.

Shad Clayton voiced concerns regarding minority impact statements not being used by legislators prior to passing legislation. He suggested the group recommend criminal penalties for legislators who pass legislation that impacts underrepresented lowans without first reviewing minority impact statements.

Neary suggested staff take these considerations as we put the report together and have further discussion about this area.

- **Mental Health**

Ilma Jahic reviewed concerns brought forth by the Mental Health Workgroup. She asked members to identify action items that should be included in the three-year plan.

The following highlights comments from members:

- Need to understand capacity and also what services may be coming on board

- Are there other model states?
- Are there ways to help individuals with access to medication after discharge, beyond the 30-day supply, and track them after discharge.
- Individuals who transition from prison to half-way houses are still considered prisoners. There is a need for continuous mental health services and medication.
- SafeNetRX provides 90 days of medication upon release.
- More advocacy for pre-trial diversion mental health programs on a statewide basis—the outcomes are greater.

Jahic asked members if there was a more efficient way to collect data on mental health needs and service capacity. The following was suggested:

- County health departments
 - Iowa Behavioral Health Association
- **Community-based Corrections & Alternatives to Incarceration**

Cheryl Yates reviewed issues brought forth by this workgroup which centered on “Parole & Revocations” and “Software/tools”. Most of the issues centered around parole and revocation policies, data collection, parole software tools/decision-making instruments, and lessons learned from COVID.

The following highlights discussion:

- Is there a way to track reasons/violations for revocations on a statewide basis? Should that really return someone to prison?
 - Rule violation behavior codes are available through the DOC.
 - The DOC’s ‘early alert’ system can be used to intervene. Revocations usually result from major issues.
 - What is the number of beds available for Residential Treatment Facilities, perhaps more resources should be targeted to this area.
 - Is there historical information from the Violators’ Program that is no longer running. It was a good program and was successful.
 - Whenever possible, intermediate sanctions are used.
 - The Legislature has identified that workforce is an issue. Could the apprenticeship programs be something used for parole tracking? If more successful, community college/employer partnerships could possibly receive more funding from the Legislature. Fineran noted a CJJP evaluation on apprenticeship programs. The outcomes were very favorable. An upcoming evaluation will expand on these programs. Members requested more information at a future meeting.
 - Would like to advocate for merit-based discharges. There are individuals on probation because they can’t pay fines and court costs—basically a debtor’s prison. Would like to see this changed so that more focus could be on the current population.
- **Sex Offenders**

Heather Caspers reviewed issues developed by the Sex Offender Workgroup. Most issues focused on research/how to disseminate the information, what is the efficacy of the sex offender registry restrictions and what are the rule violation behavior codes, and what more can be done to support victims.

The following highlights this discussion:

- Does this include the 2,000-foot residency restriction and its relationship to success—

transportation, housing, employment, etc.

- Is there a process that provides support to move victims further away from where the offense occurred?
 - Housing issues in certain communities were noted. The only housing available in Iowa City were \$500,000 to \$1 million-dollar homes.
 - The 2,000-foot law only applies to schools and child care facilities only, not parks. In 2009, the law was changed to only include persons convicted of specific offenses. Prior to that it was a child victim.
 - With regard to the validity of risk assessments, would like to add concerns regarding the increasing modifications within the state of Iowa. There are three assessments conducted and in addition there is a length of time an individual has not reoffended in order to apply for a modification.
 - In the past legislative session, there were a lot of modifications granted that make it extremely difficult to request a modification. For most, the length of time is 15-25 years. Many offenders will never be eligible. Some may depend on registration placement prior to changes in the law. Perhaps a study on whether these modifications were appropriate in the first place.
 - The modification changes extended the amount of time and was not retroactive and will affect those who are placed on the registry after July 1, 2022. The minimum is now 10 years. Prior to that, the length of time was either 2 or 5 years, depending upon circumstance.
 - Are there data on the number of offenders who have received a modification who have not reoffended?
 - Is there information that suggests being on the Sex Offender Registry is effective in preventing a new crime?
 - When the modification legislation was debated, there was discussion on the assessment itself. Would like to research the validity of the assessment.
 - Would like to advocate for removal of the sex offender registry altogether and conduct a more targeted approach. Many have no risk to reoffend, but are unable to be removed and in the meantime due to a rule violation could be revoked. Would like to give the courts more discretion on when to impose or remove early, look at the efficiency of the Registry. There are a lot of offenders who don't pose any danger.
 - The Legislature has determined the offense for each tier based on conviction.
 - Approximately 600 modifications have been made during the past three years. Would like to see a study that includes the past 12 years or more.
- **Finalize 3-Year Plan Update (Due December 1)**

There was consensus to vote on these additions and, rather than scheduling an additional meeting, final review and approval of the report itself would be done by Judge Neary (Chair) and Mayor Haila (Vice Chair) on behalf of the entire Board.

Haila noted that the purpose is to be respectful of time. However, he would be willing to call a special meeting if members have concerns.

Kurt Swaim moved to approve the draft report based on discussion, seconded by Vander Sanden. The motion passed with abstentions from Woolery and Davis.

- **CSG Justice Counts Initiative**

Michael provided an overview of the last meeting regarding technical assistance on statewide data collection by the Council for State Governments' (CSG) "Justice Counts Initiative. Those who abstained during the September meeting were contacted by CSG to address concerns or further explain the initiative.

Ben Shelor thanked members for their support. Several weeks ago, they were in Iowa and met with several members. The Bureau of Justice Assistance has approved Iowa which effectively allows them to work with state leaders and agencies. They will draft a plan for Iowa to adopt tools, metrics, and infrastructure based on feedback received.

The technical assistance includes utilizing data currently available and building a state-level dashboard that will include a variety of information. He shared a link to the self-assessment for agency leaders. As agencies opt-in, they will be contacted to help prioritize and structure data utilization and reporting and the process of sharing aggregate data. He encouraged members to reach out to them if there are associations or other agencies that would want to be part of the project.

- **Adjourn**

The next meeting will most likely be held in conjunction with DHR Day on the Hill in early March.

Haila moved to adjourn, seconded by Vander Sanden. The motion was unanimously approved and the meeting adjourned at 12:35 p.m.

Respectfully submitted,

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