



Governor Terry E. Branstad
Lt. Governor Kim Reynolds
San Wong, Director

Criminal and Juvenile Justice Planning Advisory Council

Minutes of Regular Meeting

State Capitol
Legislative Dining Room
1007 E. Grand Avenue
Des Moines, Iowa

May 16, 2018

Present: Tom Walton, Chair; Tiffany Allison; Jerry Bartruff; Tammy Bramley; DeAnn Decker; Joel Greer; Pam Kracht; Thomas H. Miller; Cody Samec; Sherri Soich*; Kurt Swaim; Doug Wolfe; Dale Woolery; Jeff Wright **Ex-Officio:** Hon. Romonda Belcher; Hon. Jeffrey Neary; Sen. Rich Taylor
*By phone

Staff: Steve Michael; Kyle Beisner; Sarah Fineran; Julie Rinker; Lanette Watson; Cheryl Yates

Others: Laura Book; Cathy Engel; Tom Ferguson; JoAnn Finkenbinder; Bill Freeland; Andrea Muelhaupt; Cord Overton; Allison Ver Shuer; Daniel Zeno

I. Call to Order, Welcome, and Introductions

Tom Walton called the meeting to order at 10:06 a.m. A quorum was present. Walton thanked members whose term recently expired for their service to the Council. New members were welcomed. Introductions were made.

II. Approval of Minutes – November 15, 2017

Kurt Swaim moved to approve the minutes from the November meeting, seconded by Doug Wolfe. The motion was unanimously approved.

III. Division Update

Steve Michael provided the following update:

- Budget – CJJP received a slight increase of \$32,000 for the next fiscal year. Mid-year reductions during the past two fiscal years totaled approximately \$50,000.
- CJIS (Criminal Justice Information System)—A slight increase was received for the CJIS project.

Division of Criminal and Juvenile Justice Planning

- Judicial Branch/DOC—The Legislature has requested that CJJP, DOC, and State Court Administration study the effectiveness and recidivism rate of specialty courts. A report is due January 15, 2019 and will include recommendations.
- OJJDP (U.S. Office of Juvenile Justice & Delinquency Prevention)—Iowa's program manager is here conducting a programmatic audit of juvenile justice activities.
- Juvenile Reentry Project—CJJP is partnering with other agencies to enhance the reentry of youth who are returning home from out-of-home placement or aging out of the system.
- JJSI (Juvenile Justice System Improvement)—National consultants conducted an assessment last year and provided recommendations. Workgroups have been seated and are meeting to standardize practice, assessments, and services, use of detention, mental health, and address racial/ethnic disparities.
- Grant Application—CJJP has partnered with the Judicial Branch to apply for a grant to conduct process, outcome evaluations, and cost/benefit analysis on family treatment courts in Iowa.

Members discussed the variety of specialty courts in Iowa:

- Judge Neary reported that northwest Iowa has two volunteer, community panel-based drug courts that interact face-to-face with offenders, overseen by a judge in Plymouth and Woodbury Counties. He would be interested to know if there is a distinction between the two types of drug courts and their effectiveness. He has seen many successes through these specialty courts.
- Judge Belcher reported that Polk County has both a juvenile delinquency drug court and family treatment court. A team of providers meet weekly with family members and provide individualized services in the areas of mental health, substance abuse, domestic violence, etc.

IV. 50-State Summit/DOC Summit

Jerry Bartruff, Director, Iowa Department of Corrections, provided an overview from a 50-state conference on public safety held last fall. Data specific to Iowa were presented. While violent crime was down nationwide, there are trends causing concern in Iowa's mid-sized metropolitan and rural areas. Possible factors include opioid and methamphetamine use, poverty, and lack of mental health services. Meetings regarding these concerns have been held with the governor's office and the Department of Public Safety.

A statewide forum for system stakeholders will be held in June at the Iowa Correctional Institution for Women. A panel of experts will provide a variety of information—rural Iowa issues, victims' rights, behavioral health issues, Iowa data/trends/comparisons to other states, and possible interventions/opportunities for collaboration. The Chief Justice and Governor/Lt. Governor will kick off the event. Registration information is available on the DOC website. The event will be live-streamed and available via YouTube.

Bartruff was hopeful that recommendations would be developed during the forum and that the Public Safety Advisory Board would serve in an advisory capacity.

Swaim noted the high incarceration rates in the U.S. compared to other countries. Discussions throughout the country attribute this to the punishment component; other countries utilize more restorative justice programs.

V. Key Eyewitness/Custodial Interrogation Reforms - Update

Kile Beisner provided an update on attempts to solicit law enforcement associations to disseminate materials regarding key eyewitness and custodial interrogation reforms. Last October, a letter was sent to five associations asking if these practices were utilized. There was no response. A follow up letter was sent in November with a brief survey asking if the materials were reviewed and distributed. Only one response was received and indicated they were not the appropriate entity and that mailing the materials was cost prohibitive for their organization.

Two years ago, Michelle Feldman with the Innocence Project presented information to this Council and has offered assistance to distribute the materials. Beisner noted the lack of interest by the law enforcement associations and asked for guidance.

Swaim reported that the Innocence Project has had success in other states working through county attorney associations and were willing to cover expenses to mail out these best practice materials.

Tom Ferguson reported that the County Attorney's Association best practices committee meets at the end of May. The information was forwarded for their review.

There was no further discussion.

VI. 2018 Legislative Update

Beisner reviewed legislation that passed during the recent legislative session. Two bills were enrolled and three proposed that were recommendations contained in the December Public Safety Advisory Board report to the legislature:

- SJR2007—A joint resolution relating to federal compliance requirements and driver's license revocations and suspensions for drug offenses. Since the resolution passed, the next step is the governor's signature and submitting the information to the National Highway Transportation Safety Administration.
- SF2230—Enhanced the penalty for kidnapping from C felony to B felony if victims are minors.
- Proposed:
 - SF2280—Anti-racial profiling
 - HJR2007—Amending the Iowa constitution relating to persons convicted of an infamous crime to restore voting rights for certain felons.
 - SF2196—An omnibus bill that included modifying mandatory minimum for robbery 1st from 70% to a 50-70% range.

The following highlights discussion:

- Dale Woolery reported that HF2377, a comprehensive opioid bill, included a “Good Samaritan” provision for those who report overdoses. DeAnn Decker reviewed other aspects of this bill as it relates to prescribing, dispensing and use of prescription opioid products.
- Judge Belcher asked if crack/cocaine disparity was addressed; Beisner reported nothing was evident in her research.
- Bartruff reported that the DOC recently implemented a pre-trial release public safety assessment used by judges to make release decisions. The evidence-based assessment has been piloted in four counties and the DOC is just beginning to see data to support efforts. The majority of releases were low-risk offenders. However, there is resistance from bail bondsmen regarding the release from jail process. There is language in the appropriations bill that strikes the public safety assessment and the DOC has asked the Governor to consider a veto of this language. He noted letters of support from the courts, public defenders, and several jurisdictions.

Neary thinks there is a recent Supreme Court decision that centers on reliance by judges on risk assessment tools that is contrary to statute.

VII. 2018 Research Projects

Michael reviewed a handout that listed current CJJP research and evaluation projects. He noted the number of partnerships with other state agencies for evaluations, identification of outcomes, and measures. Reports are published on the CJJP website.

Beisner reported that a pending grant application includes three initiatives—the development of a dispositional matrix for use in juvenile court; an analysis of the Second Chance Act Statewide Recidivism Reduction to determine whether recidivism reduction goals are achieved and will hopefully result in a nationwide, replicable model; and an analysis to identify factors related to the increase of violent crime in rural Iowa. The latter includes a request for mental health data from the Iowa Department of Public Health.

VIII. Reports and Council Responsibilities

Walton reported there is the overlap in oversight by the Criminal & Juvenile Justice Planning Advisory Council, the Public Safety Advisory Board, and the Sex Offender Research Council and that there may be opportunities for efficiencies by merging these into one.

Michael added that each council is in Iowa Code and has a specific focus to maintain. However, it may be more efficient to combine into one larger board that has representation from all appropriate stakeholder agencies. He would like to develop a format and process to study legislative requirements. He asked for volunteers from this group who would be willing to meet and make recommendations. Members of the Sex Offender Research Council will also be contacted.

Woolery asked staff to identify duties and the pros and cons for becoming one entity with oversight over those broad areas.

IX. Public Comment

There was no public comment.

X. Issues for Next Meeting

Judge Neary raised the issue of elder abuse and reported on the need for protections. He noted the difficulty in reversing transactions, removing names from accounts, etc. He would like to study issues, gaps, prosecutions, and sentencing to better understand the dynamics of elder abuse. Staff reported that criminal charges cannot be directly linked to protective orders and no data are available to staff concerning civil orders.

Tom Ferguson suggested contacting Chantelle Smith (Attorney General's office) or Celene Gogerty (Polk County Attorney's Office) who have expertise in this area to seek a presentation during an upcoming meeting.

Doug Wolfe suggested the Attorney General's Office present information on ways to make a difference for this population.

XI. Adjournment

Kurt Swaim moved to adjourn, seconded by Decker. The meeting adjourned at 11:38 a.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights