



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

## Justice Advisory Board Minutes of Regular Meeting Google Hangout Meet (Electronic Meeting)

May 20, 2020

**Present:** Tammy Bramley; Kim Cheeks; Chandlor Collins; Sarah Fineran; John Haila; Eileen Meier; Tina Meth-Farrington; Andrea Muelhaupt; Betsy Richey for Sarah Reisetter; Cody Samec; Ardyth Slight; Sherri Soich; Kurt Swaim; Bruce Vander Sanden; Dale Woolery; Daniel Zeno *Ex-officio*: Hon. Romonda Belcher; Hon. Jeffrey Neary; Sen. Kevin Kinney

**Staff:** Steve Michael; Mindi TenNapel; Meg Berta; Jeff Regula; Julie Rinker; Lanette Watson; Cheryl Yates

**Others:** Betty Andrews; Cathy Engel; Tanisha Gully; Dr. Melinda Lamb; Ross Loder; Michelle Reese; Michelle Tilotta; Arnold Woods

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

The Hon. Jeffrey Neary, Chair, welcomed those in attendance at 10:09 a.m. A quorum was present. Due to COVID-19 and social distancing concerns, the meeting was held electronically.

### II. Approval of Minutes

**Sarah Fineran moved to approve the minutes from the February 27 meeting, seconded by Bruce Vander Sanden. The motion was unanimously approved.**

### III. Division Update

Steve Michael reported the following:

- NYTD Coordinator—Kayla Powell was hired to replace Taylor Barry. Her job duties will conduct NYTD (National Youth in Transition Database) activities and incorporate youth development.
- All staff are working from home. The office is open; one administrator is on staff each day.
- Grants—The SAC grant (Statistical Analysis Center awarded by the federal Bureau of Justice Statistics) was submitted. The application request includes an evaluation on the Department of Corrections' apprenticeship program in correctional institutions as well as an evaluation on the quality of and ways to improve data in the Justice Data Warehouse (JDW) housed in CJJP.

### IV. Community-Based Sex Offender Treatment – 6<sup>th</sup> District

Dr. Melinda Lamb presented information on the 6<sup>th</sup> Judicial District's treatment program and other information regarding sex offender-related risk assessments, probation/parole, and special sentence and registry requirements. The "Good Lives" curriculum is used across the state.

Michelle Reese presented information on barriers with this population—residency restrictions, busing/transportation issues, and employment. It is extremely difficult for offenders to find housing with access to bus lines to get to treatment locations. Due to these issues and a lack of options, many registered offenders are homeless, "couch-hopping", living in tents or campgrounds and under bridges. Even in circumstances where there was no family abuse, offenders cannot return home when there are minors/siblings in the household.

Other issues relate to an aging population on lifetime supervision. Some have dementia. These individuals are unable to be cared for in nursing or veterans' homes, and, thus, are denied care.

Of the offenders currently under their supervision, 107 were 18 years of age when placed on lifetime supervision.

Lamb noted that there are other barriers, but these are the larger concerns.

A lengthy discussion followed the presentation. The following highlights that discussion.

- It is a lengthy, cumbersome process to be removed from the sex offender registry and supervision, or to modify it. Offenders must meet treatment obligations and remain offense free. Very few have successfully had their sentence modified or removed from the registry. Lamb noted that the total fee for modification is \$600. Offenders must pay a screening fee prior to a determination that they meet the criteria. The remainder is due if they meet time and treatment requirements, and have had no new or technical violations for two years. There is no guarantee on removal. Iowa Code §692A.128 outlines modification.
- Some states have changed the 2,000-foot restriction to 1,000 feet. Reese noted that most offenders work during the day when school is in session, returning home when school is out. Most offenses with children have occurred within the family home. One option would be to lighten housing restrictions for those who have not committed offenses for the past 10-12 years, keeping more restrictive requirements for higher-risk offenders.
- Tanisha Gully, a member of the public, asked about programs to help offenders find housing. Lamb noted that many federal grants, such as Second Chance reentry funding, exclude sex offenders from participating in the program. Probation and parole officers are able to identify landlords who are more acceptable to housing these offenders, however, many times they are not located near bus routes.
- Chandlor Collins reported that there are two companion bills filed by the Department of Public Safety—HF2414 and SF2324. Although these bills lengthen modification and registry requirements, there were some caveats that reduced the requirements for certain offenders. He noted that offenders on supervision are less likely to recidivate. Approximately 50-55 offenders were successful in obtaining modifications over the past 10 years, although limited data are available.
- Daniel Zeno noted that the ACLU is opposed to the legislation. He requested data on the number and percentage of eligible sex offenders and the number who were successful with both registry and supervision modifications. He would also like to see the 2,000-foot restriction reduced.
- Betty Andrews, a member of the public with the NAACP, noted the importance of creating a path toward success and suggested that this Board include this as a recommendation. She asked that this Board review the proposed legislation and make recommendations.
- Reese responded that in "Romeo and Juliet" cases, they are exempt from the public registry website and residency restrictions, however, they are placed on lifetime supervision and are required to register. The proposed legislation mentioned earlier, would require sex offenders to remain on the registry for 25 years.
- Haila asked if the 2,000-foot residency requirement was changed, would offenders have more opportunities for success. Reese and Lamb responded 'yes'. When offenders can have and find housing, they do better overall.
- Haila asked if the Board would like to review the distance requirements, review research, and modification requirements and propose new legislation. There was consensus to do so.

Neary asked about available data. Michael responded that CJJP could work with DOC and DPS on registry modifications and distance requirements.

Fineran asked if subsequent violations were an automatic return to prison. Lamb responded that it depends upon the violation. In some cases, they receive graduated sanctions instead of a revocation to prison. Some violations are mandatory revocations and must be reported to the Board of Parole, but depending upon the situation, there may be other options.

Neary noted that the NAACP has requested information on modification eligibility requirements. He asked that the information be shared at the next meeting.

Michael asked the Board for further guidance on research and information for the September meeting.

**Haila moved to have CJJP obtain data and information necessary to support proposing that the legislature consider adjusting distance requirements for sex offenders based upon severity of risk, second by Tina Meth-Farrington. The motion was unanimously approved.**

**Zeno moved that the Board study HF2414 and SF2324 to consider taking a position on the issues within the bills, seconded by Collins. The motion was unanimously approved.**

**Zeno moved that CJJP staff, in collaboration with the Departments of Corrections and Public Safety, provide information on the total numbers and percentages of individuals eligible to apply for modification and the number of those who were successful in modifying the registry or special sentence requirements, seconded by Haila. The motion was unanimously approved.**

In addition to the above directives, Neary requested that the information include re-offense rates by youth and adults and their geographic locations.

**V. Waived Juvenile Offenders**

- **Review Iowa Data**
- **Review Current Services in Institutions for under 18 inmates**

Jeff Regula reviewed the supplemental report regarding youth waived to adult court. The report focuses on three areas—direct file, those waived to adult court, and those who were under age 18 when admitted to prison.

Regula reviewed the highlights of the report. In particular, he noted the disparity in sentencing on direct file youth. Youth with prior juvenile records were more likely to be waived to adult court. Case dispositions for Hispanic and African-American youth showed more guilty convictions.

Neary asked for the information by judicial district to share with probation/parole officers to show disparate impact. Regula noted that county-level information could also be provided. However, counties with low numbers would present confidentiality issues. Regula thought the information could also be shared with juvenile court services. Neary agreed.

Regula provided information on youth waived to adult court:

- No youth were waived back to juvenile court.
- Approximately 66% of youth received a guilty verdict.
- Fifty-two percent received a prison sentence.
- Cases for Caucasians were dismissed or deferred at a higher rate than other races/ethnicities.
- Property crimes were the leading crime type for this population and remain steady across race/ethnicity.

- Those who entered the juvenile justice system at a younger age were more likely to be waived to adult court and found guilty.

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Mindi TenNapel reviewed prison admissions:

- As of July 1, 2019, there were 73 who entered prison under the age of 18.
- Of those, 97.3% were male.
- Caucasians comprised 37.0%, African-Americans comprised 50.7%.
- 75.3% of the population were admitted for a B or C felony.
- 30.1% of the convictions were for robbery and 28.8% were for murder/manslaughter.
- Robbery was the leading offense for youth admitted under the age 18.
- A majority are under age 35.
- Of those under age 18 that are currently in prison, all are male. Almost 78% are African-American, 22% are Caucasian.

## **VI. Dashboard Demonstration**

TenNapel provided an overview of the dashboard that should be launched this fall. The dashboard will provide a graphic display of information available on the EZ-A websites (Adults: <https://disposedcharges.iowa.gov/>; juveniles: <https://juvenilecourtstats.iowa.gov/>).

## **VII. Relevant Legislation**

Meg Berta reviewed the summary of proposed legislation that was provided in the meeting packet.

## **VIII. JAB Tasks and Timeline**

- **Subcommittee to Oversee Development of Reports**

Michael reviewed timelines for the three-year plan and the other reports. Time will be devoted at the September meeting to focus on content and format. He asked for volunteers to serve on an interim subcommittee to assist in developing the report. The following members volunteered: Tina Meth-Farrington, Betsy Richey, Eileen Meier, Judge Neary, Kurt Swaim.

Michael reported that the Juvenile Justice Advisory Council will hold its retreat in late September to develop priorities for the juvenile justice system. That information will be shared with this Board.

## **IX. Public Comment**

Tanisha Gully asked for membership information. She was encouraged to apply through the Iowa Talent Bank website.

## **X. Issues for Next Meeting**

The next meeting will identify priority areas for future recommendations. Michael asked members to feel free to advise CJJP of any additional issues.

## **XI. Adjournment**

**Kurt Swaim moved to adjourn, seconded by Collins. The motion was unanimously approved and the meeting adjourned at 12:30 p.m.**

Respectfully submitted,

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