



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

Justice Advisory Board Work Group Meeting Minutes Google Meet*

Thursday, October 21, 2021

- Present:** Beth Barnhill; Kim Cheeks; Brianne Potts for Sarah Fineran; John Haila; Eileen Meier; Tina Meth-Farrington; Andrea Muelhaupt; Olivia Walker; Cody Samec; Ardyth Slight; Kurt Swaim; Bruce Vander Sanden; Ex-officio: Hon. Jeffrey Neary, Chair; Rep. Mary Lynn Wolfe
- Staff:** Steve Michael; Mindi TenNapel; Julie Rinker; Cheryl Yates
- Others:** Betty Andrews; Bill Freeland; Evan Johnson; Laura Hessburg; Cheryl Nolan; Adrienne Seusy; Isabel Waller

I. Welcome and Introductions

Hon. Jeffrey Neary, Chair, called the meeting to order at 1:01 p.m. The meeting was held as a work session. Therefore, quorum was not required, but was achieved during the meeting.

A brief discussion was held regarding a recently released report by The Sentencing Project, "[The Color of Justice: Racial and Ethnic Disparity in State Prisons](#)". Neary noted the importance of members' reviewing the report.

II. Discuss JAB 3-Year Priorities and Recommendations

Assessment of work completed and proposed projects

Michael provided an overview on the purpose of the work session—to identify information required to make recommendations and identify future projects. From this discussion, a draft report to the General Assembly will be presented at the November meeting.

Mindi TenNapel reported that the survey sent to Board members received a 50% response rate. The purpose was to collect information on if related tasks support goals and if sufficient information has been provided to make a recommendation.

Neary encouraged members and guests to provide comments and/or suggestions during the meeting whenever applicable.

The following lists the respective priority area and highlights discussion under that topic:

- **Priority One: Racial Justice**
 - **Goals:**
 - a. *End racial profiling*
 - b. *Eliminate racial disparities to create an unbiased juvenile and adult criminal justice system*
 - c. *Eliminate disparities in excessive use of force and death in custody*
 - **Tasks:**
 - ***Collect and analyze data to identify racial profiling and disparities in the juvenile and criminal justice systems***
 - Betty Andrews suggested being more creative with data—explore other ways of collecting or obtaining data—some data may already be captured. She noted an April, 2003, report by CJJP for the Iowa State Patrol: “An Examination of Iowa State Patrol Traffic Stops 10/2000-3/2002”. She asked if a follow up report could be conducted.
 - Members discussed difficulties in collecting law enforcement stop data. Current drivers’ licenses do not identify race. Officers either have to ask about race or make an assumption. Many officers leave this area blank.
 - If drivers’ licenses were to include race information (through legislation), it would take eight years before data could accurately begin to be collected due to current license expirations and renewals.
 - Michael noted the recommendations from the Governor’s FOCUS committee related to banning racial profiling. Law enforcement stop information is not available and there are concerns by law enforcement regarding additional work. If passed, people would be given the option to provide race, and it would not be on their license, but in DOT records and CJJP would receive the information.
 - Kurt Swaim asked if there are local (city or county level) agencies already collecting this information? Some cities have enacted local ordinances banning racial profiling.
 - Andrews responded that Des Moines is implementing a process to collect information. Additionally, Dr. Chris Barnum, St. Ambrose University, published reports on traffic stops in Iowa City and Davenport. He presented information to the FOCUS committee.
 - Neary recommended Professor Barnum be asked to present at a future meeting.
 - Kurt Swaim suggested modifying the task related to data collection.
 - Neary added that law enforcement stops without an arrest are not captured. Perhaps federal funding is available to implement data collection.

Neary suggested the Board recommend finding other ways to collect this information. Michael noted that CJJP will continue to explore ways to gather data.

- ***Review and consider correctional and racial impact statements on legislation, prior to passage, to identify any impact on the prison population and racial disparity***

TenNapel provided information on impact statements.

- Rep. Mary Lynn Wolfe advised that most criminal-related laws have a disparate impact on all minorities in Iowa. She suggested the creation of a standing committee to review bills with a minority impact over a specified percentage. This would provide public awareness and transparency prior to the legislation reaching the chamber floor. Usually only committee members are aware of the impact.
 - Neary recommended racial impact statements on budget and spending bills as well.
- ***Ban racial profiling***
 - See previous discussion.
 - ***Correct identified systemic disparities in the justice system, including:***
 - ***Entry into the system - Provide pre-charge opportunities for low-risk juvenile and adult offenders***
 - ***Pre-trial release – Provide alternatives to bonds and pre-trial services for adults and detention alternatives for juveniles***
 - Bruce Vander Sanden reported that a new pre-trial tool was overturned due to advocacy by bail bondsmen. The new tool could have a tremendous impact on disparity. He noted that many times offenders serving time in jail while awaiting trial or case processing plead guilty and receive a stiffer sentence—most are due to financial circumstances. Bond companies have significant funds to lose and have conducted substantial lobbying efforts. He added that the 6th Judicial District could provide data.
 - Andrews suggested reviewing pre-charge opportunities, learning more about bail/bond schedules compared to other states, and bail/bond uniformity and effectiveness statewide. (Bail schedules show the bail amount required for specific crimes.) TenNapel noted concerns with the availability of bail/bond data and, due to the amount of staff time required, suggested it be a future project.
 - Muelhaupt commented that with regard to the parole revocation process and those held on bond, some districts have an automatic ruling. There are also other areas where bond is considered or a release for services is allowed, it depends on the judge, the district, and/or the community. For instance, Polk County automatically has no bond holds, but in other counties individuals are allowed bond or released for services depending upon circumstances.
 - Meth-Farrington and Neary discussed mental health and pre-charge diversion. Neary noted that in his area it is limited to misdemeanors. He suggested studying how mental health courts operate and opportunities to expand programs for those with felony-level charges.

- Wolfe noted concerns regarding how swiftly pre-trial release can happen for those who can hire an attorney compared to those who are indigent. She noted the court-appointed attorney process for indigent defense many times takes longer. Neary added that more support and funding is needed for public defenders to work effectively for clients. Both Wolfe and Neary noted that this is a system issue and did not reflect on public defenders in general.

- ***Reduce juvenile offenders prosecuted as adults - Modify the Iowa code and enhance funding for juvenile offender services***

TenNapel noted research reports on racial disparity and school resource officers. She asked what the Board would like included in the report.

- Neary asked about the type of adult waiver data available—raw numbers, frequency, and case types.
- Michael responded that the data is readily available. He suggested the elimination of the direct file option. Currently 16 and 17-year-olds are automatically waived to adult court. Three-fourths are waived back to the juvenile court system. He would like to see all juvenile cases start in juvenile court. Many states have adopted this policy.
- Neary noted the need for services for these youth.
- Meth-Farrington suggested providing information on adolescent brain development. Michael noted that one state raised the juvenile court age to 21 due to brain research. Neary asked for more information.

- **Priority Two: Mental Health**

- **Goals:**

- a. **Identify offenders who need mental health care and provide appropriate services and placement in the juvenile and criminal justice systems**
- b. **Provide safe treatment and living conditions for those with mental health needs in the juvenile and criminal justice system Executive Summary—Page B**

- **Tasks:**

- ***Standardize mental health screening tools to enhance early intervention and diversion strategies for juvenile and adult offenders (e.g. crisis intervention teams, tele-health, available in-patient treatment, mental health courts)***
- ***Provide effective mental health treatment and medications for incarcerated offenders and transition plans as offenders reenter the community***
 - Meth-Farrington noted the need for statewide funding for programs like Marshalltown's MPACT and also more medication funding for jails.
 - Wolfe responded that Clinton County helps prisoners sign up for Medicaid prior to release and provides a 30-day supply of medications. She suggested studying how this is done and where.
 - TenNapel asked for sources to educate the board on this area. Members suggested NAMI, Polk County Criminal Justice Coordinating Council, mental health advocates, and Eyerly Ball.

- **Priority Three: Community-based corrections and alternatives to incarceration**
 - **Goals:**
 - a. **Reduce entry to prison**
 - b. **Reduce revocations to prison**
 - c. **Increase the use of effective treatment courts**
 - d. **Document lessons-learned from COVID-19**
 - **Recommendations:**
 - ***Enhance community-based correctional services to include additional alternatives to prison (e.g. restorative justice and treatment courts)***
 - ***Review changes due to COVID and public safety***

TenNapel noted that the Prison Population Forecast, due December 1, will document the role played by COVID in prison population reductions. She also noted a past presentation on specialty treatment courts and a report on Family Drug Courts in 2018.

- Haila asked if the 2018 study should be updated. Neary agreed.
- Cheryl Yates responded that the project focused on family drug courts and encompassed short- and long-term outcomes. Short-term outcomes were good, in terms of getting individuals into treatment and keeping children in the home. The long-term outcomes were not as good.
- Haila noted mental health issues related to the pandemic and that more individuals are self-medicating to cope with personal issues.
- Neary spoke about the former violators' program which provided community-based services to those on probation who received a violation. Rather than a return to prison, the offender was referred to services. He wondered if that program was ever studied and whether it was deemed successful. Michael offered to investigate whether a report was conducted.
- Andrews suggested including information on overdosing the COVID vaccine at the Fort Madison correctional facility.
- Swaim noted that the Council of State Governments has partnered with the Governor's office, the 8th Judicial District, and several legislators to conduct a study on the effects of COVID, justice system reinvestment initiative, and responses by law enforcement during the pandemic. He thought it might be a reason not to expend resources towards a similar project focus.
- Muelhaupt reported on the community success program and availability of data. She noted that, since the beginning of the pandemic, administrative law judges are using a continued disposition more frequently and offered to provide additional information.

TenNapel noted projects in progress: prison-based apprenticeship program, the PRIN project to study culture of female offenders at the Mitchellville Women's Correctional facility, and data collection related to the pandemic (charges, convictions, and incarceration).

- Neary suggested including incident reporting.
- Meth-Farrington noted a program in the 2nd and 6th Judicial Districts that purchased iPads for parolees to connect with community services upon

release—housing, employment, etc. She would like more information on that.

- Andrews reported that offenders participating in the prison-based apprenticeship programs are finding that the licensing boards will not accept them. She asked that this information be included in the study. TenNapel offered to include the information.
- Haila agreed. Workforce is a concern statewide. This is an opportunity for industries to cooperatively work with offenders on workplace needs. It's also an opportunity for early release and mentorships. The report should include what is working well and what should be changed for a more successful reentry.
- TenNapel responded that in 'year two' there will be more focus on offenders' apprenticeship programs—what helped, what could be improved.

TenNapel reviewed upcoming projects and resources needed. There were no comments related to those areas.

- **Priority Four: Sex offenders**

- **Goals:**
 - a. **Examine the effectiveness of the special sentence**
 - b. **Examine technical violations**
 - c. **Examine the efficacy of sex offender residency restrictions**
 - d. **Support survivors/victims**
- **Tasks:**
 - ***Determine the effectiveness of the Special Sentence supervision and residency restrictions in reducing sex offenses***
 - ***Provide promising practices to support victims/survivors of sex offenses***

TenNapel reviewed that previous meetings included information on the Sex Offender Registry and a report on the Special Sentence.

- Cheryl Nolan noted that the most important issue is the difference between supervision, the special sentence, and the Sex Offender Registry. Offenders must register on the SOR the same length of time as their special sentence. Nolan also noted that risk assessments are flawed because they are based on conviction. Parole officers indicate that offenders admit to many more offenses to which they are not convicted.
- Haila suggested reviewing the minutes from the February meeting. There were a number of objectives discussed and captured in the minutes from that meeting.
- Beth Barnhill asked if there were any legislative recommendations from that meeting. Yates responded that there was discussion regarding providing information to legislators. Barnhill suggested providing recommendations to legislators.
- Michael responded that the recidivism rate for sex offenders is high due to technical violations, not from new sex offenses. He thought it may be

advantageous to review the number of technical violations and the crime type.

- Yates noted that the next study will use a larger cohort and include technical violations, individual characteristics, and risk assessment.
- Haila questioned the purpose of the 2,000-foot restriction. He noted that to be successful, offenders need access to a variety of services and help while incarcerated. He wondered if there was a better plan for these individuals.
- Barnhill noted that there is information on residency restrictions and suggested it be woven into the study. She offered to provide contact information for someone whose specialty is in this area.

- Upcoming Projects

TenNapel suggested having a presentation on restorative justice by the Crime Victim Services. Barnhill suggested the Impact Justice Organization.

III. Public Comment

No further comment

IV. Next Meeting – Finalize the 3-Year Plan Update

TenNapel reviewed the survey results in ranking order.

1. Priority 2 – Mental Health: Identify gaps in community resources for released incarcerated individuals needing mental health services/medication.
2. Priority 1 – Racial Justice: Evaluation of racial difference in crimes charged, convicted, and imprisoned using propensity matching.
3. Priority 2 – Mental Health: Evaluation of mental health courts.

TenNapel asked the Board if this ranking accurately represented their priorities or if the ranking should be redone. There was no comment.

Neary asked if further information was needed to prepare a report. Michael responded that a draft report will be presented at the November meeting. Michael thanked everyone for staying late and for input on ways to improve the justice system.

The next meeting will be held November 10 from 1:00-2:30 p.m.

V. Adjournment

The meeting adjourned at 3:13 pm

Respectfully submitted,

Julie Rinker, Administrative Secretary