



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

**Joint Meeting of
Criminal and Juvenile Justice Planning Advisory Council (CJJPAC)
Public Safety Advisory Board (PSAB)
Sex Offender Research Council (SORC)**

Minutes of Final Meeting

Polk County River Place, Room 3A
2309 Euclid Avenue
Des Moines, Iowa

May 15, 2019

**Present:
CJ/PSAB**

Tom Walton, Chair; Tiffany Allison; Tammy Bramley; Katrina Carter; Kim Cheeks; Chandlor Collins; Joel Greer; Thomas H. Miller; Andrea Muelhaupt; Cody Samec; Ardyth Slight; Sherri Soich; Kurt Swaim; Dale Woolery; *Ex-officio*: Hon. Romonda Belcher; Hon. Jeffrey Neary; Sen. Kevin Kinney; Rep. Mary Lynn Wolfe; Sen. Brad Zaun

SORC:

Bret Braafhart; Katrina Carter; Andrea Muelhaupt; Tim Ross; Kurt Swaim; John Werden; Daniel Zeno; *Ex-officio*: Sen. Kevin Kinney; Sen. Brad Zaun; Rep. Mary Lynn Wolfe

Staff:

Steve Michael; Sarah Fineran; Tracy Loynachan; Julie Rinker; Lanette Watson; Cheryl Yates

Public:

Arnold Woods, Iowa-Nebraska NAACP; Jo Ann Finkenbinder, Bob Greenlee, League of Women Voters

Other State

Employees: Tom Ferguson; Laura Book; Cathy Engel; Bill Freeland; Bridget Godes; Christine Mechler; Adrienne Seusy; Amber Shanahan-Fricke; Allison Ver Shuer

I. Call to Order, Welcome, and Introductions

Tom Walton welcomed those in attendance at 10:06 a.m. A quorum was present for all three entities. He noted HF634 essentially strikes the three entities (the Public Safety Advisory Board (PSAB), Criminal and Juvenile Justice Planning Advisory Council (CJJPAC), and Sex Offender Research Council (SORC)) and creates the new Justice Advisory Board. Due to this legislation, this is the final meeting of the CJJPAC, PSAB, and SORC.

II. Approval of Minutes –

- **CJJPAC and PSAB – November 14, 2018; SORC – October 30, 2018**

Kurt Swaim moved to approve the minutes from the November 14, 2018 CJJPAC meeting, seconded by Sherri Soich. The motion was approved with one abstention by Tammy Bramley.

Swaim moved to approve the minutes from the November 14, 2018 PSAB meeting, seconded by Sherri Soich. The motion was unanimously approved.

Swaim moved to approve the minutes from the October 30, 2018 SORC Meeting, seconded by Bret Braafthart. The motion was unanimously approved.

III. Division Update

Steve Michael reported the following:

- Tracy Loynachan was hired in December as a Justice Systems Analyst. Loynachan previously worked as an analyst at the Department of Public Safety.
- Through an appropriations bill, CJJP was awarded state funding for improvements in the juvenile justice system for a community with a population over 80,000 with a high juvenile crime rate. An RFP process will be conducted. Four Iowa communities would qualify to apply—Des Moines, Davenport, Cedar Rapids, and Sioux City.
- HF766, the state Health and Human Services appropriations bill, requires that CJJP convene a group to develop a plan to transfer administration and funding for graduated sanctions and juvenile court-ordered services, as well as oversight of group foster care placements for delinquent youth from DHS to State Court Administration. A group will be seated soon. A report is due to the Governor and General Assembly by December 15, 2019 with implementation by July 2021. Some council members may be asked to serve.
- On June 4, representatives from the U.S. Department of Justice will conduct a fiscal review of current grants. Some information has already been provided.
- HF634 that creates the Justice Advisory Board (JAB) is awaiting the Governor's signature. The bill was managed by Representative Fisher and Senator Whiting. There were no 'no' votes.

IV. Merger of CJJPAC/PSAB and SORC to the Justice Advisory Board (JAB)

Steve Michael reported on the following:

a) Membership process

Effective July 1, the three councils will be replaced by the JAB. It is not a merger, but a new membership process. The Governor will appoint nine of the 28 members and her office will contact current appointees to determine interest and provide application information. Agency representatives will be designated by their respective director;

organizations will provide association designees. A copy of the member list as designated in HF634 was included in the meeting packet.

b) Required reports

Michael reported that HF634 modified reporting requirements. Rather than a 20-year long-range plan for the adult criminal and juvenile justice systems, a three-year plan will be submitted every three years beginning December 1, 2020 and will require annual updates during the interim years. Other reports include a correctional policy project analyzing major correctional issues affecting both the criminal and juvenile justice systems, including a prison population forecast.

c) Current and proposed projects

Michael and Sarah Fineran asked members to identify information, or study topics, found to be valuable that should be carried forward. Fineran reviewed a handout which briefly outlined current, new, and proposed research projects.

The following was discussed:

- Judge Jeffrey Neary would like to know more about the correlation between recidivism and wait time on bed space in a residential treatment facility. He thought that a reduction in wait time could reduce recidivism. Wait times were believed to have increased over the past several years and, if this correlation is true, should be brought to the attention of the Governor and General Assembly.
- Representative Mary Wolfe noted the proposed “Longitudinal Analysis of Iowa’s Sex Offender Special Sentence” and asked for a brief analysis of how other states handle the lifetime sentence—is it common, what is the process for handling early discharge/parole requests by offenders, do judges retain jurisdiction to revisit lifetime parole for 10 or 15 years. She did not think the current lifetime sentence is viable long-term and would like to know what other states are doing and whether or not it is working.
- Dale Woolery commented on the proposed “Interactive Criminal and Juvenile Data Map Creation” which proposes to create a data dashboard and interactive map to display juvenile complaints, petitions, and informal adjustments and adult court charges and convictions by county. Woolery thought it would be helpful to know estimated completion times for strategic planning by agencies.
- Neary also expressed concerns with the sex offender registry requirement for sex offenders relating to technical violations and extending their registration time, the required time period without a violation before a request can be made to remove that restriction, and the cost to request removal. He thought some individuals could be removed sooner especially when considering the cost of resources.

Fineran responded that a 2015 analysis revealed offenders supervised under the sex offender special sentence, had a high degree of non-sex related technical

violations. Fineran noted a proposed analysis expected to occur in 2020, would seek to study this same cohort for an extended period of time to note whether trends persisted. The proposed analysis would include technical violations as well as forecasting the prison population for those revoked to prison and those in the community who are on the special sentence. Fineran offered to work with DPS to determine sex offender registry data availability.

- Representative Wolfe asked about the Iowa Risk Revised (IRR) validation and whether it has been validated. Fineran noted that it had been validated a few years ago internally by the DOC, but that CJJP would be conducting an independent validation. In addition to validating the tool in its entirety, an analysis will be conducted to validate each item within the tool. Dependent upon the findings, modification recommendations may be made to make the tool more predictive.

Wolfe stated that defense attorneys, prosecutors, and judges would like more transparency with regard to risk assessments overall and may be more inclined to support use of assessments at sentencing and pre-trial release if there were more transparency in the scoring process. She noted that legislators have concerns as well.

- Tim Ross noted that the JAB membership does not include juvenile court officials and voiced concern. Michael responded that the Governor has two positions that are juvenile justice experts, but those appointments do not have to be a juvenile court officer. Michael added that the code changes require coordination between the Juvenile Justice Advisory Council and the JAB and that the two entities would report to each other.
- Other issues included non-driving related driver's license suspensions, the effects of cash bail and how bail is determined; and juvenile court waivers/extension of jurisdiction by the juvenile court system. With regards to the latter, Neary noted scientific data related to brain development and asked if sentencing should be based upon age. Representative Wolfe suggested removing mandatory minimums altogether.

Fineran will pass along the above recommendations during the first JAB meeting.

V. Review of Relevant Legislation

Tracy Loynachan reported that during each legislative session, CJJP works with the Legislative Services Agency to review proposed bills where there may be a correctional impact. She reviewed a list of bills with a criminal component that were enrolled during the 88th Legislative Session, including their status and corresponding effective date. She noted that in the case of new crimes, there is often times no way to determine correctional impact.

VI. Public Comment

None

VII. Issues for Next Meeting

Michael reported that proposed meeting dates for the JAB include September 18 and November 13. He asked members to hold those dates open should they be appointed to the new board.

VIII. Adjournment

Joel Greer moved to adjourn, seconded by Soich. The meeting adjourned at 11:23 a.m.

Respectfully submitted,

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