



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

Justice Advisory Board

Minutes of Regular Meeting

Google Meet

November 4, 2020

Present: Kim Cheeks; Sarah Fineran; John Haila; Eileen Meier; Tina Meth-Farrington; Sarah Jennings; Andrea Muelhaupt; 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

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

Others: Andrew Allen; Laura Book; Bill Freeland; Emily Erickson; Dennis Hart; Christin Mechler; Cord Overton; Adrienne Seusy; Michelle Tilotta

I. Call to Order, Welcome, and Introductions

Hon. Jeffrey Neary, Chair, called the meeting to order at 10:04 a.m. A quorum was present. Introductions were made. Due to COVID-19 and social distancing concerns, the meeting was held virtually via Google Meet.

II. Approval of Minutes

John Haila moved to approve the minutes from the September 16 meeting, seconded by Kim Cheeks. The motion was unanimously approved.

III. Division Update

Steve Michael reported the following:

- Staff continue to work from home due to the pandemic.
- Jill Padgett has been hired to replace Dave Kuker. Her start date is December 1. There will be some overlap before Kuker's last day.
- Michael congratulated Daniel Zeno on his new position with Iowa Workforce Development. Zeno has submitted his resignation from the Board and this is his last meeting.

IV. Juvenile Justice Advisory Council 3-year Plan and Goals

Andrew Allen, Chair of the Juvenile Justice Advisory Council (JJAC), provided information on the Council and its priorities. Twenty-five members from across the state meet

quarterly to oversee juvenile justice issues. The purpose is to advise the governor on policy and legislation to improve the juvenile justice system and ensure enforcement of the Juvenile Justice and Delinquency Prevention Act. Approximately \$400,000 in Title II funding is passed through to the eight judicial districts for juvenile justice-related programming.

A retreat is held every three years to plan and develop priorities, goals, and objectives. The most recent retreat was held this past September. Allen reviewed the draft priority areas and goals: Prevention and Intervention; Mental Health; Transition of Youth; Female Equity; DMC. Other efforts include extending juvenile court jurisdiction beyond age 18, reviewing the adult court waiver, and standardizing juvenile reentry/best practices. He spoke about adolescent brain development—the goal is to keep youth out of the system.

Allen noted Iowa's positive reputation in the national juvenile justice arena, however, reducing disproportionate minority contact has always been an issue. He noted CJJP's recently released racial disparity report and was hopeful more would be done.

He closed by saying the JJAC wants to work with this Board to align efforts and partner on recommendations.

A brief discussion was held regarding deep-end youth. Allen noted that the deeper youth go in the system, the more they need structure and services. Girls, especially, have a need for 24-hour care since the closure of the Girls' State Training School.

Michael noted that the purpose of inviting Allen was to include a section on juvenile justice in the Board's three-year plan. There are some commonalities between these groups and the goal is to have overlap and complement.

Allen suggested that the leadership of the two entities meet to discuss structure and partnerships. He may ask Judge Neary to present at the next JJAC meeting.

V. Governor's FOCUS Committee on Criminal Justice Reform Recommendations

Michael provided a brief history on the FOCUS Committee members and priorities. Last year, the focus was adult reentry; priorities were shared with the legislature. This year, the focus was on disparities in the criminal justice system and banning racial profiling.

A FOCUS Committee report was shared in the meeting materials. Concerns addressed how to collect/track data and train law enforcement on best approaches. Data collection could be conducted through the Department of Transportation's TraCS system; CJJP would conduct analysis and provide a report with recommendations and/or guidance to reduce racial profiling. If the report recommendations are legislated, this Board's name would change to the "Justice and Policing Advisory Board". Membership would be enlarged and a 'Community Policing' Subcommittee would be added to focus on issues, analyze data, and develop an annual report with recommendations.

Bruce Vander Sanden serves on the FOCUS Committee and provided information. He noted that the state of Nebraska has done a lot of work surrounding disparate treatment.

He reported on issues such as a system that is not cumbersome, but provides sufficient data; training by the Iowa Law Enforcement Academy; confidentiality with regard to race listed on driver's licenses; and how quickly the process could be implemented since current driver's licenses may not expire for eight years. He was resistant to the name change, noting that this Board conducts a wider variety of justice system monitoring beyond policing.

Michael reported that he has shared with the FOCUS Committee that CJJP would require additional staff funding. He wanted this Board to be informed and would like to address these concerns in the report to the Governor and legislature.

The following highlights discussion:

- Zeno was not in favor of adding seven additional members due to how that could affect efficiency. He encouraged members to give consideration to whether there should be a separate board compared to a board that could handle racial profiling, criminal justice, and sex offender-related issues. White disparate treatment by law enforcement includes banning racial profiling—a wider effort requiring more focus than what the current Board can provide.
- Haila agreed and noted that community policing is a broad category that includes how to deal with citizens, mental health, in addition to racial profiling. A larger group can be harder to schedule and may not produce the results they are seeking.

Michael reported that CJJP staff will monitor the legislation and asked for direction to provide information to legislative committees that will address the legislation.

Members suggested attaching an addendum to the JAB report and also sending a letter to the Governor's office that addresses concerns as well as attending legislative subcommittee meetings when the legislation is discussed.

Zeno noted the importance of helping legislators understand that this Board exists due to combining three former councils—the Criminal & Juvenile Justice Planning Advisory Council, Public Safety Advisory Board, and the Sex Offender Research Council. Some legislators may not understand the work required by this Board. He suggested meeting with the chairs and ranking members of the House and Senate committees that are assigned the legislation (Judiciary or State Government).

Haila agreed and asked whether a meeting should be held with the Governor and/or Lieutenant Governor.

Sherri Soich asked if there had been discussion regarding a separate community policing board prior to adding to the duties of this Board. Zeno responded that recommendations by the ACLU/NAACP was to create a separate community policing advisory board that would address data collection and best practices surrounding racial profiling. However, efficient use of current state boards was reviewed and the work landed with the expansion and name change of the Justice Advisory Board. Additional members would be needed to represent law enforcement and minority communities.

Sarah Fineran suggested incorporating funding to develop data exchanges needed to collect and analyze data not currently collected.

Vander Sanden noted that not all law enforcement agencies use TraCS; that to embed race on driver's licenses would take eight years; and that vehicle registrations could not be used due to the number of drivers who use the same vehicle. Smaller law enforcement departments don't have funding or the technology to be able to use TraCS.

Zeno and Haila echoed the aforementioned. Fineran added that baseline data will need to be collected for comparison purposes. Data collected will need to be consistent to provide integrity in reporting the information.

Members then discussed the names of legislators who could be potential advocates to convey these concerns. Zeno noted that Senator Brad Zaun currently sits on this Board and chairs the Senate Judiciary Committee, Representative Holt chairs the House Judiciary.

Michael asked for direction and language to share from this Board—data requirements, who/how it is collected, development of a CJIS exchange, etc.

The following concerns were noted:

- Board would become inefficient with additional duties. There is a need to create another board for racial profiling-related work.
- How to collect data, manage, and create meaningful reports.
- Zeno suggested including that "this board supports ending racial profiling and believes it is the right thing to do, but how to implement is where the concern lies".
- Haila noted the need for setting realistic expectations—5-8 years.
- Fineran noted the need for additional appropriations for data exchange and funding to create mechanisms to share data and facilitate the project, as well as funding to track outcomes from the Departments of Transportation, Corrections and Judicial Branch.
- Romonda Belcher and Ardyth Slight concurred.
- Vander Sanden added that there is a need for a comprehensive law enforcement data collection system that includes the front and back ends.
- Kim Cheeks noted that a pilot project with Iowa City and Scott County law enforcement was conducted in 2000. She suggested using that information and moving forward.

Haila moved to direct staff to prepare a letter summarizing concerns to be sent to the Governor with final review and adoption by this Board. The motion was seconded by Soich and unanimously approved.

VI. Review and Finalize 3-year Goals and Plan

Michael reported that staff used the priority areas discussed during the September meeting. He asked for guidance on the report format and content. The following was discussed:

- Fineran likes inclusion of the impact of COVID on the justice system.
- Zeno suggested including that this Board is collaborating with other groups such as the JJAC and FOCUS group—include the bigger context.
- Several members noted that other specialty courts should be referenced: family treatment, domestic abuse, veteran's treatment, and drug diversion (COAP).
- Fineran suggested, in addition to disparate sentencing by race, including drug reform on a broader level—marijuana penalties, powder/crack disparities, etc.

Dale Woolery reported that some reform is being handled through ballot issues in other states. He would like research on how reform is going elsewhere—monitor and track the legislation and outcomes.

Michael suggested including this in the correctional policy project. We are incorporating other issues in addition to the prison population forecast.

Neary suggested monitoring marijuana legislation and asked for consensus from Board members. **There was consensus to include information relating to marijuana legalization and outcomes in other states.** Zeno noted that the ACLU has some data and resources regarding disparities in marijuana in Iowa and nationally.

- Zeno suggested research on the school to prison pipeline—what does policing look like in Iowa schools? Who/what agency serves this role? Security guard? Law enforcement (police/sheriff)? What does it look like across the state? What are the roles and responsibilities. He noted the lack of statewide uniformity. He suggested a survey be conducted.

Haila added that the Ames School District is evaluating this. He suggested a list of pros/cons, is there a benefit or should it be re-thought?

Woolery would like to include the racial impact on the justice system.

There was consensus to obtain more information on this.

Kurt Swaim thanked Michael and staff. He thought it was a cohesive plan and hoped to make major steps towards moving the justice system forward. Neary agreed.

Michael advised that staff will proceed incorporating suggestions and asked how the Board wished to approve the report.

Swaim suggested review and approval by Neary and Haila, Chair and Vice Chair, respectively. He did not think another meeting to approve minor modifications was necessary.

Swaim moved to approve the report with the inclusion of the additional issues previously discussed, subject to review by Neary and Haila. The motion was seconded by Vander Sanden and was unanimously approved.

Michael will share the final draft prior to Thanksgiving. The report is due December 1.

VII. Public Comment

There was no public comment.

VIII. Issues for Next Meeting

- Michael will have staff compose the letter to the Governor. He will ask both Neary and Haila (Chair/Vice Chair) to review and approve it along with the draft reports prior to sharing with the entire Board.
- The next meeting will be held in coordination with DHR day which is usually held in February. A tentative meeting notice will be shared.
- Sarah Jennings introduced herself as the new representative from the Department of Public Safety.
- Michael will put together issues for the next meeting. Neary encouraged members to submit ideas.
- Zeno announced that this was his last meeting. He will be leaving the ACLU to be an Administrative Law Judge at Workforce Development. He has appreciated the discussions on how to make the justice system better in Iowa.

Neary and Haila expressed their appreciation to Zeno for his ideas and concerns he has brought forth.

IX. Adjournment

Haila moved to adjourn, seconded by Fineran. The motion was unanimously approved and the meeting adjourned at 11:55 a.m.

Respectfully submitted,

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