



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

Justice Advisory Board Minutes of Regular Meeting

Google Meet*

Thursday, February 25, 2021

- Present:** Sarah Fineran; John Haila; Sarah Jennings; Tim Lane; Eileen Meier; Andrea Muelhaupt; Cody Samec; Sherri Soich; Charles Isaacson for Kurt Swaim; Bruce Vander Sanden; Dale Woolery *Ex-officio*: Hon. Romonda Belcher; Hon. Jeffrey Neary
- Staff:** San Wong; Steve Michael; Mindi TenNapel; Meg Berta; Kayla Powell; Jeff Regula; Julie Rinker; Lanette Watson; Cheryl Yates; Brianne Messer; Tiara Mosley; Kylie Spies
- Others:** Cheryl Nolan; Endi Montalvo-Martinez; Lyric Sellers; Adirenne Seusy; Arnold Woods; Frank Potter; Ashline Bussanmas; Sydney Hansen; Sarah Engelhart; Klaertje Hesselink; Julie Chen; Kanyon Huntington; Shriya Magatapali; Shveta Kalathur; Jenna Ringwold; Mira Keeran; Mia Cowell; Volta Adovar; Amukta Gantalamotini; Ingrid Hofmann; Kira Strashko; Shelby Ryan; Tina Liu; Kai Cowell; Joe Su; Grant Kimball; James Piazza; Adrian Olguin; Adhitza Ajith; Abby King; Soomin Koh; Kavya Kalathur; Celia Huber; Avery Carlson; Jaci Webb; Vidya Iyer

I. Call to Order, Welcome, and Introductions

Hon. Jeffrey Neary, Chair, called the meeting to order at 10:06 a.m. A quorum was not present.

The meeting was held in conjunction with DHR's virtual 'Day on the Hill'. Director San Wong joined the meeting. She thanked members for their efforts on behalf of DHR. She noted the importance of this work and that some of this Board's recommendations were being considered in the Iowa legislature.

II. Approval of Minutes—November 4, 2020

Due to lack of quorum, the minutes were not approved.

III. Division Update

- DHR Video

Members watched a video compiled by DHR regarding the work within the three divisions. The video included comments from various board and commission members.

<https://www.youtube.com/watch?v=MvPHmw1SPw&feature=youtu.be>

Michael reported the following:

- SB1140—This bill relates to changing the membership and duties of this body and anti-racial profiling. It is currently in committee and a meeting was held with Senator Brad Zaun regarding concerns brought forth at previous meetings of this group. Vander Sanden commented on the importance of data collection prior to instituting anti-racial profiling legislation.

IV. Presentation: Sex Offender Registry

Michael introduced Cheryl Nolan, Iowa Department of Public Safety.

Nolan provided information on the establishment of the Sex Offender Registry and how it has transformed over time as a result of high-profile cases (Jacob Wetterling, Jetsetta Gage, and the Adam Walsh Act).

In 2009, Iowa Code Chapter 692A was changed in accordance with the Adam Walsh Act, though Iowa is still not fully compliant. That change resulted in tier levels, residency exclusion zones, and work-related restrictions. In 2002, the 2,000-foot requirement was appealed and in 2005, it was applied to offenders who had a minor victim. Since 2009, the 2000-foot rule applies only to four sex abuse convictions—sex abuse 1st, 2nd, 3rd, and continual sexual abuse of a minor. There is one exemption from the 2,000-foot rule for 18/19-year old offenders convicted under Iowa Code §709.423(b)(d) whose victim is 14-15. Enforcement, establishment of restriction zones and how they are measured are determined by local authorities.

Nolan also reviewed the following:

- Concerns regarding the number of elderly sex offenders who need nursing home care. Many nursing homes will not allow sex offenders in their facilities. She noted concerns with offenders going outside the state for nursing home care and how that impacts families due to travel.
- Tier levels relate to registration and are established in Iowa Code §692A. Not all Tier 3 offenders are subject to the 2,000-foot rule or lifetime registration. Some Tier 1 and 2 offenders require lifetime registration for different reasons.
- Modifying sex offender registry and other requirements are determined by the court.
- Nolan noted issues for offenders who live out of state. Registry requirements include notifying county of residence and where the offense was convicted, however, this can be confusing when residing out of state.

Discussion included the following:

- The 2,000-foot distance was established in legislation. Nolan did not know how that distance was determined.
- Some offenses are plead down to lesser charges, such as indecent exposure.

Nolan noted that there are over 6,000 offenders currently on the sex offender registry. There have been 97 new offenders added to the registry since January, 2021. In 2010, there were 659 new additions; in 2020, there were 657. Each month, she reviews between 40-50 records and approximately 30 offenders are removed because they have met the requirements. In

2021, there have been six modifications/removals. In 2019, 52 offenders were removed, 10 were denied removal. In 2018, 55 were removed, three were denied.

Neary asked about the type/s of data the Board may find helpful. After a brief discussion, Michael offered to work with Nolan, Fineran, and Vander Sanden to develop recommendations and identify available data.

V. Presentation: School Resource Officers **Youth Action Squad Members**
Lyric Sellers, Endi Montalvo-Martinez
Kayla Powell, Youth Development Coordinator

Kayla Powell provided information on her position as NYTD (National Youth in Transition Database) Coordinator and Youth Development Coordinator. She reported that two Youth Action Squads were seated last fall and focused on Racial Justice and COVID-19. The two Youth Action Squads comprised youth who have experienced racism or were impacted by the pandemic. Youth were trained on advocacy, data collection, and were provided a stipend for their participation.

Lyric Sellers and Endi Montalvo-Martinez provided information on their work through the Racial Justice Youth Action Squad and their development of an Equity and Racial Justice Team at East High School in Des Moines. Through this work, they met with other students, school staff, and school mental health specialists to gain knowledge on their experiences and school removals.

As the Des Moines Public School (DMPS) Board began examining the school-prison pipeline, these YAS members were able to obtain data specific to juvenile court referrals from schools. Most charges were simple misdemeanors and were subjective decisions made by School Resource Officers (SROs). They noted recurring trauma experienced by minority youth and associated with having SROs in their school.

After compiling their data, along with a report from CJJP on school referrals, these students met with each of the seven DMPS school board members to discuss disparity/equity in charges and alternatives to SROs in schools. While questions included school safety, youth introduced a restorative justice model to support staff and students. The model included mental health services and recommended that staff be representative of the student body makeup. The program would help students progress and assist staff in identifying the root of problems, rather than removing students from school. This approach further develops relationships between students, staff, and administration.

Montalvo-Martinez reported that currently there are seven SROs under a contract between DMPS and the City of Des Moines. The contract totals \$1.5 million and is shared jointly between the two entities. According to the data, youth were not charged equitably by race.

As a result, the DMPS School Board voted to discontinue the SRO contract and implement restorative justice. Equity teams will assist with implementation and address concerns as well as educate students and staff. The goal is to ensure that administrators have the tools they need to avoid contacting police and work to solve problems between students or students and staff.

Neary asked about student buy-in. Sellers responded that they received substantial student support from the beginning. Though not all students agreed, the group provided research and addressed concerns to demonstrate validity.

Neary asked if there was an action plan to replicate in other communities. Michael responded that he thought that was a great idea and suggested a format that other entities could use to implement changes.

Michael noted that the Youth Action Squads will present action plans on COVID-19 and Racial Justice at 6:00 p.m. on March 7 and 9, respectively. The presentations will be held virtually via Zoom. Members were encouraged to participate if their schedule permitted.

Vander Sanden commended students for their resilience in combatting roadblocks and in taking a proactive approach. He noted the importance of positive relationships between students and staff. He commented "the last thing I want is a youth being charged that will follow them the rest of their life".

VI. Relevant Legislation

Meg Berta reviewed a handout that listed proposed legislation organized by type. The list was developed in keeping with the priority areas of the three-year plan and discussion during recent meetings.

VII. SAC2021 Grant Proposal Ideas

Mindi TenNapel shared a handout and asked members to prioritize projects and data with regard to SAC grant funding (federal Bureau of Justice Statistics, Statistical Analysis Center).

Haila requested a list of acronyms for future reference.

VIII. Public Comment

Montalvo-Martinez asked for advice/assistance in making the school resource officer action plan statewide. Neary offered to have the Board review it once it was final. He noted that at that point it may be easier to expand to other districts.

Haila suggested contacting the Iowa Association of School Boards and the Iowa Department of Education to present the information at future conferences. He recommended accomplishing their effort through obtaining buy-in rather than proposing legislation.

IX. Issues for Next Meeting

Neary noted differences by county attorneys in charging failure to appear and would like to know if there is disparity in the charge determination. Michael responded that charge offenses could be tracked, but he was unsure about warrants.

Haila asked if there is a plan that outlines how priority areas will be accomplished. Michael responded that there will be assigned tasks, but a final document has not yet been created.

The next meeting will be held either May 13 or May 20. Staff will send a poll to members to ascertain availability.

X. Adjournment

The meeting adjourned at 12:16 p.m.

Respectfully submitted,

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