



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

Justice Advisory Board Minutes of Regular Meeting

Google Meet
May 20, 2021

Present: Beth Barnhill; Kim Cheeks; Sarah Fineran; John Haila; Tim Lane; Eileen Meier; Tina Meth-Farrington; Andrea Muelhaupt; Cody Samec; Sherri Soich; Charles Isaacson for Kurt Swaim; Dale Woolery Ex-officio: Rep. Mary Lynn Wolfe

Staff: Steve Michael; Meg Berta; Jeff Regula; Julie Rinker; Lanette Watson; Cheryl Yates; Brianne Messer; Tiara Mosley; Kylie Spies

Others: Betty Andrews; Malinda Lamb; Desiree LeBlanc; Michael Mrockowski

I. Call to Order, Welcome, and Introductions

In the absence of Hon. Jeffrey Neary, Chair, John Haila, Vice Chair, called the meeting to order at 10:01 a.m. A quorum was achieved later in the meeting and items requiring approval were addressed at that time. Due to COVID-19 and social distancing concerns, this meeting was held virtually via Google Meet.

II. Approval of Minutes—November 4, 2020 & February 25, 2021

Tina Meth-Farrington moved to approve the minutes as submitted, seconded by Sarah Fineran. The motion was unanimously approved.

III. Division Update

Steve Michael reported the following:

- **CJJP Budget**—The House proposed an increase of \$60,000 to cover cost of living salary increases.
- **Iowa Youth Congress**—John Haila spoke with members of the Iowa Youth Congress.
- **Agenda format**—The meeting agenda will now show acronyms on the reverse side.
- **Staff**—Jeanne Foster, Budget Analyst, will retire July 30. Applications are being accepted.
- **Return to the Office**—An early summer transition plan to return to the office is in development.

IV. Presentation: A Literature Review on the Effectiveness of Implicit Bias Training

Lanette Watson, Justice Systems Analyst, reviewed information on the effectiveness of implicit bias training that was included in the meeting materials.

The effectiveness of implicit bias training has been limited with regard to reductions in behavior. However, experts acknowledge this type of training does have value by providing awareness to the issue. Through education, it encourages participants to evaluate stereotypical thinking.

Training should be a multi-prong approach that addresses explicit and implicit biases and decision making. Data should be used to evaluate the training.

Betty Andrews commented that the definition of implicit bias implies that a person possessing bias has no control and, therefore, has no responsibility. However, it is something that is changeable and not necessarily unconscious. Watson appreciated the comments.

Michael reported that this information was requested by the Justice Systems Appropriations Committee to address proposed legislation on diversity training. He would like to track and assess this type of training within the state.

V. Presentation: Analysis of Sex Offender Special Sentence Supervision

Cheryl Yates, Justice Systems Analyst in CJJP, reviewed an evaluation of the Sex Offender Special Sentence enacted in 2005. The purpose was to evaluate the effectiveness of special sentence policy and the extent to which it has reduced recidivism in the long-term. The evaluation was included in the meeting materials. The following highlights her presentation:

- The special sentence is separate from the Sex Offender Registry and the length of extended supervision within the community is based upon the seriousness of the sex crime conviction.
- Sex offenders convicted of Class B and Class C offenses are placed under lifetime supervision after serving their original sentence.
- Class D and lower offenses are subject to a 10-year special sentence.
- This study used the same cohorts included in a 2014 study. That study looked at sex offender outcomes after three years of serving their special sentence. This study looks at the same cohorts, but after nine years of serving their special sentence.
- Recidivism was defined as:
 - Any misdemeanor or higher conviction,
 - Any new felony conviction,
 - Any new sex conviction,
 - Any special sentence revocations, and
 - Any return to prison.
- Recidivism was tracked for offenders serving the 10-year special sentence and did not include the more serious offenders serving a lifetime special sentence.
- The findings showed that sex offenders on the special sentence had a higher rate of return to prison when compared to the cohort of sex offenders who were not under supervision.
- The findings also showed that sex offenders on the special sentence had a lower rate of new, felony, or sex convictions.

- It is estimated that by 2030, 3,500 sex offenders will be under supervision; most relate to the lifetime special sentence.
- Costs associated with prison and supervision for sex offenders is extremely expensive when compared to no community supervision:
 - Special Sentence: \$51,866,582.61
 - Regular Parole: \$44,011,079.80
 - No Community Supervision: \$6,023,722.08
- In November, 2014, the former Sex Offender Research Council provided recommendations to the legislature. These recommendations included:
 - providing discretion to the courts to reduce the length of or remove an offender from the special sentence based upon an evidentiary hearing and
 - providing more funding for sex offender treatment.

The following highlights discussion:

- Representative Mary Lynn Wolfe expressed appreciation for the study. She voiced concerns that, currently, it is impossible for someone serving a lifetime sentence to be discharged early and that the Board of Parole (BOP) is not granting early discharges. She would be interested in the following:
 - What are other states doing.
 - Give discretion to the court system by allowing offenders to petition to be removed from the special sentence upon release from prison or after a certain amount of time.
 - Have more realistic criteria for BOP to grant early release.
 - Develop criteria for offenders to be removed from the Sex Offender Registry.
- Andrea Muelhaupt reported that very few people have been removed from the lifetime supervision special sentence. Removal from the Sex Offender Registry is a DOC policy not BOP. There are some costs involved with removal.
- Haila asked about the goal for the special sentence and whether it was effective. Are the goals being accomplished?

Yates offered to provide further details on effectiveness, however, thus far, she has found they are not committing new sex crimes.

- Haila asked about costs--\$44 million over nine years could be saved by removing parole and special sentence supervision. Is there information regarding how effective 'no supervision' would be with regard to risk or return to prison?

Yates noted that the report shows that those in the cohort who were under no supervision, had a 17% return to prison rate compared to 51% of those who were under supervision.

- Haila also asked, if technical violations are the crux for returns to prison, and if so, how can that be avoided? Is this a special sentence issue or the details in complying with the special sentence?

Yates noted that 42% had a new conviction in the nine-year period, 12% had a felony conviction and that a majority are technical violations. In 2014, one-third of special sentence offenders had a technical violation because they were not complying with treatment.

Fineran noted that when reviewing the types of violations related to prison returns, substance and alcohol abuse were an accelerant to the original offense and also a technical violation.

Desiree LaBlanc, sex offender probation/parole officer, noted that technical violations can also relate to access to services. There are no in-patient substance abuse treatment providers for sex offenders. Additionally, there are limitations regarding access to housing, transportation, and transportation due to housing restrictions. Many times it is the culmination of many obstacles and violations.

Haila thought it was important for legislators to understand the cost/benefit ratio, that drugs/alcohol are a precursor to sex offenses, and if they continue to imbibe, they are more likely to reoffend. He asked if there were data to prove that.

He also asked if the goal was a return to prison or helping people become successful. A lack of access to services, the 2,000 foot constraints on housing--how can we fix this while minimizing the impact on victims?

Wolfe noted that there were bills and discussion on the House floor and in subcommittees. The message was that these offenders are dangerous. However, if recidivism does not relate to new sex offenses, she thought it was important that CJJP staff present to legislators. Legislators have received some misinformation and are afraid to do anything that may show sympathy to sex offenders. She noted the importance of evidence-based information.

Haila asked Michael to work with Wolfe and include LeBlanc to present information.

Eileen Meier reported that she sees a number of sex offenders in an out-patient setting. She noted concerns with offender movement during treatment—treatment is started and then the individual is transferred to another jail and treated by another individual in another community. She noted difficulties in the offender's treatment records to keep them on track.

Michael thanked members and LeBlanc for their discussion and comments. He will work with staff, and others to arrange a presentation to legislators. Contacts will also be made with other legislators as well as those who serve on this Board. The research will continue through the federal Bureau of Justice Statistics Statistical Analysis Center (SAC) grant.

VI. JAB 3-Year Priorities – Getting the Work Done

Yates reviewed the priority areas and action items. She noted areas that require intensive work. A list was included in the meeting handouts.

Haila suggested consideration be given to topics of interest to the legislature—priorities that would align or be useful. He recommended staff contact legislators for input.

Michael agreed. This Board provides guidance to staff on topics that need to be addressed. The Governor's office also has priorities. He asked for assistance in prioritizing the list for the next three years.

Wolfe suggested focusing on areas of fiscal responsibility, mandatory minimums, increasing public safety, Sex Offender Registry costs/consequences compared to public safety. She noted a probation reform bill that passed out of the Public Safety Committee, but died in the Senate. Expungement of non-violent, low-level felonies—what do other states do, how that impacts employment and recidivism. She also suggested contacting the other legislators on the Board for their comments and input.

Barnhill agreed with Wolfe. She suggested reviewing the Sex Offender Registry and the special sentence or areas that have little value in reoffending. Additionally, she was interested in transformative justice and avoiding prison time—what is/is not working and other strategies. Many victims are relatives of the offender and do not want them involved in the criminal justice system. She suggested focusing on:

- Priority Area 4: Examine the effectiveness of the special sentence--both Action Items 1 and 2;
- Goal 2: Examine technical violations;
- Goal 3: Examine residency restrictions; and
- Goal 4: Support survivors/victims, Item 2--Examine the appropriateness of restorative justice.

Andrews asked about the [racial disparities](#) report. Michael responded that was shared with legislators. Meetings have been held with Judicial Branch staff on issues that could be implemented outside of legislation. The report will most likely be updated in the future. In the meantime, work will continue through correctional and fiscal impact statements. Correctional impact statements address the impact of proposed legislation on minorities; fiscal impact statements address the increase/decrease in prison admissions.

Andrews asked about prohibiting racial profiling and what might be in alignment with the recommendations by the Governor's FOCUS Committee.

Yates responded that researching traffic stop data would be of interest to many in terms of public safety.

Dale Woolery suggested substance abuse behavior, probation reform, and expungement. In particular, Priority Area 3: Community-based Corrections & Alternatives to Incarceration, Goal 3: Increase the Use of Effective Treatment Courts, Action Items 1-2--study effectiveness, models, and funding.

Michael thought that expungement and probation reform would fit under Priority Area 3: Community-based Corrections and Alternatives to Incarceration, Goal 2—Reduce revocations to prison, Action Item 1: Examine the types of interventions that have demonstrated decreases in revocations.

Meier noted that mental health courts have shown to be extremely helpful and suggested a review of success rates and cost/benefit analysis, especially in light of a moratorium on specialty courts in Iowa. Priority 2: Mental Health, Action Area—Courts, Action Item 1: Evaluate court models that specifically work with people with mental health needs.

Soich echoed Barnhill's comments regarding sex offenders and racial disparity issues, traffic stops, and disparities in sentencing.

Haila summarized the above concerns and asked if further refinement was necessary. Michael responded that staff will review how these priorities align with current work and will develop a timeline. Issues that are of interest for the next legislative session will be included.

VII. Relevant New Laws

Meg Berta reviewed a list of enrolled and passed legislation that was included in the meeting materials.

VIII. Public Comment

Andrews requested that the definition of implicit bias be updated. She would like to use the information to educate legislators and others.

Michael responded that he was open to identifying other definitions. Watson suggested that Andrews submit a counterpoint to the report. Andrews offered to send information.

IX. Issues for Next Meeting

Michael reported that a timeline will be developed for the priority areas. The September meeting will address topics for inclusion in the report due to the legislature in December.

X. Adjournment

The meeting adjourned at 12:29 p.m.

Respectfully submitted,

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