

JRC

Justice Reform Consortium



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Fifty to Nothing

[Two weeks ago](#), we reported on a bill ([Senate File 384](#)) that creates the crime of removing a communications device from a peace officer, and in addition, proposes to amend Iowa law that enhances the crime of “Interference with official acts” under certain instances. We told readers that the bill had a [fiscal note](#) attached to it that included a minority impact statement. That minority impact statement stated that it “is expected this Bill will have a disproportionate impact on minorities”. Evidently, no one cares!

SF 384 passed the Senate on April 1 by a vote of 50-0. That raises questions. Were senators not contacted by Justice Reform Consortium newsletter readers asking for a vote against the legislation? Was our explanation of the “Clumsy Cop” bill too technical and not easy to understand? Did JRC newsletter readers contact senators, and the legislators ignored the requests? Are those who read this newsletter apathetic in their attitude toward minorities? We don’t have the answers to any of those questions. We know that there was no lack of personal lobbying on behalf of JRC’s lobbying crew. But in the end, it came down to fifty yea votes and not one nay vote.

We also know that, upon the request of Representative Bob Kressig (D-Cedar Falls), another fiscal note has been attached to the bill. This most recent [fiscal note](#) to [SF 384](#) contains a table that “shows the FY [fiscal year] offender-based convictions for interference with official acts according to the Iowa Court Information System (ICIS). Minority offenders are disproportionately convicted compared to the percentage of the Iowa population.”

Here is an excerpt from the previous JRC Newsletter:

As it is now, the law states that if “a person commits an interference with official acts, . . . and in doing so *inflicts* or attempts to *inflict* [serious injury or bodily injury]” the penalty is enhanced. Several special interests desire to replace the phrase “*inflicts* or attempts to *inflict*” with the phrase “which results in”. The derogatory title, “clumsy cop bill”, comes from the possible analogy of a police officer tripping on a curb and getting injured in the course of arresting a defendant. There is a huge difference between “inflicting” and “resulting”. Inflicts means to “cause (something unpleasant or painful) to be suffered by someone or something.” Result is defined “as to happen or end in a certain way as a

consequence of something else.” As you can see, *inflicts* has a direct causal relationship to the incident, while *results* can be an indirect consequence of a separate act. Therefore, a peace officer may be injured in an act that is the “result” of the arrest, but in which the defendant has no part.

We would settle for the word “causes” to replace the word inflict, if a change needs to be made. Causes can mean “make something happen”. This change was offered by Rep. [Dave Dawson](#) (D-Sioux City) at a subcommittee on the bill in the House.

As a result of the research conducted for this particular fiscal note it is expected that “this Bill will have a disproportionate impact on minorities because approximately 34.2% of offenders convicted under the Bill’s provisions related to interference with official acts may be minorities.”

This bill is scheduled to be debated in the House on [Monday, April 8](#). Please contact [your state representative](#) and ask that this bill be deferred until someone steps forward to amend the bill so that “Section 3” of the bill on pages 2 and 3 are struck from the bill.

It’s Appropriations Time

The second legislative funnel deadline came without panic last week. In many previous years, committee meetings were held late on Thursday afternoons, occasionally into the evening, and in a few rare years, on a Friday. None of that occurred this year. Most activity on bills that would eventually emerge from committee in order to be eligible for debate for the remainder of the year occurred earlier in the week. Now that this stage of the session is past, it’s time for negotiations on the budget to take place in the background as the rank and file legislators debate the eligible bills.

JRC pays attention to several budget bills, but most attention is focused on the Justice Systems Appropriations Bill. This year the bill will start in the Senate.

The Justice Systems Appropriations Bill is one of the major appropriations bills that emerges from a joint subcommittee. It involves the Attorney General’s Office, the Dept. of Corrections, the Civil Rights Commission, the Board of Parole, the Dept. of Public Safety, and several other independent departments in state government.

JRC’s particular interest in the Justice Systems Appropriations Bill is the funding of CBCs. (Community-Based Corrections – or Judicial Departments of Correctional Services). For a few years, we have been seeking the funding of newly-built, yet mothballed residential facilities in Ottumwa, Cedar Rapids, Sioux City, Davenport, and Waterloo. The Senate has not introduced a bill for the Justice Systems at this time, but numbers are available. This year, the funding to open these facilities is provided, but there’s a catch. The governor proposed one figure, the Senate proposed a higher figure, and the House went along with the governor’s proposal.

Using the First Judicial District CBC as an example, the governor proposed an increase in fiscal year 2014 of \$687,409 (and 14.5 Full-Time Equivalents –FTE) to the CBC to operate the Women’s Center for Change in Waterloo. His total proposal for the entire 1st Judicial District

CBC amounts to \$13,646,172. The Senate has proposed a FY 2014 appropriation for the entire 1st Judicial District CBC of \$14,099,085. The Senate's proposal to fund the Women's Center for Change is \$1,140,322 from the General Fund, and it includes 19 FTEs, five and one-half more FTEs than the governor proposed.

Negotiations will take place over the next few weeks as all appropriation bills will be settled. If not, it could be a long session that mirrors others in which legislators are sent home while leadership and the governor hash it out. We're hoping for an agreement that will come down on the Senate's side.

Movement on Bills

The following bills were listed in the [previous newsletter](#) and have had some sort of movement or action within the past two weeks.

[HF 475](#): by Public Safety Committee. A bill relating to the issuance of a search warrant to authorize the placement, tracking, monitoring, and removal of a global positioning device. (Formerly [HSB 91](#).) *JRC Opposes* this bill, just as it did last year. Those who want this change are adamant about placing the change in the law under Iowa's current law addressing search warrants. We believe this change should be made in a different section of the Iowa Code. As we see it, the bill as it stands now would make a short cut around the Fourth Amendment for obtaining warrants. **HF 475 passed the House by a vote of 76 to 23 on March 12.** *The Senate Judiciary Committee failed to take up the bill on the final meeting of the year prior to the second funnel deadline. The bill is ineligible for consideration in 2013.*

[SF 399](#) by Committee on Judiciary (formerly [SF 134](#) by Jochum): A bill for an act relating to the use of restraints against a pregnant inmate or detainee and including effective date provisions. *JRC Supports* this legislation. [Eighteen states](#) already prohibit this practice, and more are considering it. Iowa needs to keep up with the humanity of those 18 states and the Federal Bureau of Prisons. **This bill has been in the news lately because of an amendment filed by Senator [Kent Sorenson](#) (R-Milo), 23 other Republicans, and Democratic Senator Dr. [Joe Seng](#) (D-Davenport).** The amendment, if it isn't pulled by the sponsor, will eventually kill the bill for this year. The amendment prohibits the state from spending state dollars on an abortion for a woman incarcerated in a correctional facility. The point is rather moot since it can't be done, currently. An example of how difficult it was to get people to understand the seriousness of the bill can be summed up in the minutes of a board meeting involving a law enforcement group: "The Board discussed the following legislative issues: Handcuffing procedures for women that may be pregnant." *This bill was referred back to the Senate Judiciary Committee and is ineligible for debate for the remainder of 2013.*

[SF 384](#) (formerly [SF 151](#)) by Sodders: A bill for an act establishing a criminal offense for removing or attempting to remove a communication device from the possession of a peace officer. *JRC Opposes* this legislation. The original bill required a class "D" felony as a penalty, no matter what situation was evident. We worked in subcommittee to improve the bill by offering a suggestion that the bill be amended to graduate the penalty depending upon the severity of the injury to the officer and the intent of the defendant. The bill was amended in the

Senate Judiciary Committee to adopt our suggestion. However, the amendment included language that JRC has opposed in another bill (See the [previous newsletter](#) for details). Because of the added language, we remain adamantly opposed to the legislation. **If the language in the “interference with official acts” portion of the bill changes from “inflicts” to “causes” we will change our registration from “opposed” to ‘at least’ undecided.** *Unfortunately, this bill passed out of the Senate 50-0 and is eligible for consideration in the House any time prior to adjournment sine die.*

[HF 393](#) & [SF 288](#): These identical bills are the cumulative work of a Working Group of experts from the Iowa State Bar Association, the Iowa County Attorneys Association, and the Iowa Juvenile Court Services Association. The bills make necessary changes in Iowa’s Youthful Offender law (not to be confused with Polk County’s Youthful Offender Program), including the establishment of a minimum age for prosecution as a Youthful Offender (YO), and the possibility of a child receiving a deferred judgment (currently, the YO may only receive a deferred sentence), and several more changes. A Youthful Offender is a juvenile who is prosecuted in adult court for certain offenses (such as serious felonies, including murder in the first degree). *JRC supports this legislation. **SF 288 passed the Senate on March 12 by a vote of 48-0. It was amended and passed the House 96-0 on March 26. The Senate agreed with the House amendment and passed the bill a final time on April 1 by a vote of 50-0. It now goes to the governor for his approval.***



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I want to help Justice Reform Consortium with its goal of working toward restorative justice.

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Jean Basinger

Justice Reform Consortium

c/o Trinity United Methodist Church
P.O. Box 41005
Des Moines, IA 50311

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Address: _____

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UPCOMING EVENTS

QUARTERLY MEETING OF IOWA CURE

When: April 28, 2013 from 2 to 4 p.m.

Where: Grace United Methodist Church, 3700 Cottage Grove, Des Moines, Iowa

Program: Needs, Services, and Rights of Veterans in the criminal justice system. Our speakers will be Rhonda Jordal of the National Family Alliance for Veterans of America and Brian Brooks of the Veterans Administration.

We will learn about the services available to veterans in prison, and when they reentry society. We will also discuss Vets courts which are similar to drug and mental health courts and other programs. We hope that many people will attend. Please share this information with others who may have a concern about this important topic. With many vets leaving the military, some who have special mental health needs related to their service experiences, we need programs that will help them before they become involved in the criminal system.

If you have questions, please contact Carolyn Uhlenhake Walker at carolynruw@gmail.com (515-779-1680) or Jean Basinger@jabwab@msn.com.

The next **Friends of Iowa Women Prisoners** meeting is at noon on **Tues., April 16th** at Wesley United Methodist Church, 800 East 12th.

In April our speaker will be Eleena Mitchell-Sadler, an Assistant Ombudsman at the Iowa Citizens' Aide/Ombudsman office. The Ombudsman office is a legislative agency which accepts citizens' complaints about state and local government agencies and their employees. The Ombudsman investigates those complaints to determine whether actions taken by the agency are contrary to law, policy or may be unreasonable. Agencies within the Ombudsman's investigative jurisdiction include prisons and jails.

Bring your lunch. The place and time are consistent throughout the year. The meetings are always held on the third Tuesday of the month, and always held from noon to 1:00 pm at Wesley United Methodist Church located at 800 East 12th Street in Des Moines. The location is a block west of East High School. Please contact [Vi](#) for more information.

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SAVE THE DATE

April 26, 2013

A 3-hour workshop will be held on Saturday, April 27th at First Unitarian Church in Des Moines. The workshop will include a video (powerful & inspirational) of the talk that Michelle Alexander gave recently at the University of Tennessee (Alexander is the author of "[The New Jim Crow](#)").

Also, AMOS will talk about the court watching program and the school mediation programs. There will be a presentation on the work being done at Trinity United Methodist, including Circles of Support. The Iowa Justice Reform Consortium will make a presentation on the lobbying efforts now underway. And there will be a talk about the voter suppression and racial profiling programs.

More details to follow!

[**Voices to be Heard**](#) is a support group for families and children of an incarcerated loved one. The group gathers to support and comfort those who know too well the grief that comes to those left behind when someone they love is incarcerated. The group meets on the first and third Tuesdays of the month at Union Park Methodist Church (East 12th & Guthrie in Des Moines) from 5:30 – 7:00 p.m. The group brings in speakers, performs outreach, provide support groups and leadership classes. It is a good idea to contact Melissa ahead of time because the group provides dinner and a head count is preferred. Contact Melissa at 515/229-2645 for more information.



ART THERAPY FOR CHILDREN OF VOICES TO BE HEARD

ART THERAPY PROVIDED BY DES MOINES ART CENTER

Voices to be Heard is a support group for families and children of an incarcerated loved one.

Who: Children grades K-8th that have a loved one incarcerated

****Parents** would need to be present and attend an adult socialization

When: 1st and 3rd Tuesday of the Month; 6 week course

April 9, 23

May 7

Where: Union Park Methodist located on E. 12th & Guthrie

Time: 5:30 potluck dinner

6:00-7:00 Voices to be Heard art therapy/adult socialization

PLEASE RSVP TO MELISSA BY EMAIL AT mel@cfpciowa.org

or calling 515-229-2645

or Jolene at joventure@me.com

Justice Reform Consortium member organizations: Iowa CURE & Iowa Coalition 4 Juvenile Justice; Friends of Iowa Women Prisoners; Trinity United Methodist Church; Methodist Federation for Social Action; Voices to be Heard; ACLU of Iowa; Social Action Committee, Des Moines Presbytery; Des Moines Chapter of WILPF; American Friends Service Committee; Plymouth Congregational Church, Board of Christian Social Action; Iowa Annual Conference, UMC; Iowa NOW and Des Moines NOW; National Association of Social Workers; Beacon of Life; Citizens for Undoing Racism-War on Drugs Task Force.

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