

JRC

Justice Reform Consortium



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Hidden Policies and Agendas

At a September meeting of the Board of Corrections, the Board unanimously voted to support a legislative measure that would prohibit the use of restraints on pregnant inmates under certain conditions. Prior to that meeting, the Department of Corrections (DOC) director, John Baldwin, made a promise to Board member Johnie Hammond. He told Hammond that if she could convince the other Board members to approve this legislative proposal that he would not only have the Department introduce it, it would support it.

Not true.

The Department bill never developed. On its way from the DOC Central Office to the Legislative Services Agency, [Legal Services Division](#) (where bills are drafted), it was restrained. Evidently, the governor's ear was pulled and he decided it would not be an agency bill. That's okay; he gets to do that. After all, the board only serves as advisory in suggesting legislation. The actual law states that the "board of corrections shall . . . Make recommendations from time to time to the governor and the general assembly."

Representative [Linda Miller](#) (R-Bettendorf), a retired registered nurse and the Chair of the [House Human Resources Committee](#), stepped in and brought a bill forth that would accomplish the same intent that Johnie Hammond had sought. That bill, [House Study Bill 95](#), was considered in a subcommittee of Reps. Miller, [Julian Garrett](#) (R-Indianola), and [Beth Wessel-Kroeschell](#) (D-Ames). [Note: A similar bill, [Senate File 134](#), has been introduced in the Iowa Senate by Senator Pam Jochum (D-Dubuque), the Senate President.]

On the day of the subcommittee meeting, no lobbyist was registered against the legislation. Many, many groups were registered in support of HSB 95. Some of those groups represented by lobbyists include: Justice Reform Consortium; The ACLU of Iowa; the Iowa Annual Conference of the United Methodist Church; the Iowa Catholic Conference; National Association of Social Workers, Iowa Chapter; Iowa Coalition Against Domestic Violence; Iowa Medical Society; Family Planning Council of Iowa; Child and Family Policy Center; Iowa Association for Justice; HCI Care Services; League of Women Voters of Iowa; Interfaith Alliance of Iowa Action Fund; and Planned Parenthood of the Heartland. Not one entity was

registered against the bill (there is now, but was not on the day of the subcommittee). The DOC and a handful of other groups were registered as “undecided” on the bill. However, the DOC liaisons sat at the table and actively lobbied “against” passage of the bill.

Part of the DOC’s argument was that it has changed the policy and it now mirrors the language of the bill. But upon receiving a copy of the policy it was clear that nothing was clear. Heavy redaction gave no indication of what the policy proscribed or prescribed. The Iowa State Sheriffs and Deputies Association had concerns about safety. But Rita Bettis, lobbyist for the ACLU of Iowa was quick to assist in amending the bill to address its concerns. An amendment has been drafted and should be incorporated into the bill as it moves through the committee process.

Please contact Reps. [Linda Miller](#), [Julian Garrett](#), and [Wessel-Kroeschell](#) with a message that begins with “Thank You” in the subject line. Please contact other members of the [House Human Resources Committee](#), especially if your representative is on the committee, and ask them to support the passage of [HSB 95](#).

More BOC

In other Board of Corrections news, a handout at the Feb. 8 meeting included a modified copy of policies. Not long ago, the Des Moines Register featured a [copyrighted story](#) on the fact that the Department of Corrections (DOC) had 86 confidential policies. The revised list of policies (not the policies themselves) has been pared down to only 55 confidential ones. The Board asked about reviewing the policies. It was pointed out by Director Baldwin that it has been done in the past, but that it became boring and tedious.

Board member Nancy Turner of Corning was quick to counterpoint that it is one of the Board’s duties to review policy. Iowa Code Section 904.105 defines the duties of the Board of Corrections, and subsection 2 explicitly states that the “board of corrections shall . . . adopt and establish policies for the operation and conduct of the department and the implementation of **all** department programs.” (Emphasis added.) Perhaps, if the Board had known this last fall when Board member Hammond had requested approval of legislation, the Board instead could have revised policy. But who knew there was policy?

The JRC Legislative Agenda for 2013 – Where are we?

[HSB 9](#): An Act relating to the authority of cities to regulate and restrict the occupancy of residential rental property. *For* This bill passed out of the House Judiciary Committee on February 7 and will be renumbered before being debated on the House floor. Currently, several cities in Iowa have ordinances that restrict how many unrelated people can live in a one-family dwelling. This bill would prohibit such ordinances. JRC supports this legislation because many people released from prison need a safe place to live. Ordinances that prohibit habitation based upon kinship are outdated and discriminatory. After all, why should the [local] government know “who” lives in your home? Isn’t that sort of scary?

HSB 32: An Act relating to the penalties for the criminal offense of sexual exploitation of a minor by the purchase or possession of child pornography. *Against* This is a bill that enhances a penalty that was enacted last year. One year is not enough time to analyze the effectiveness of a crime. During the subcommittee meeting on this bill, it was argued that this bill will cut down on the practice of human trafficking. According to the Division of Criminal and Juvenile Justice Planning (Dept. of Human Rights), “since the adoption of [Chapter 710A](#), “Human Trafficking” in 2006 there have been three charges disposed and one conviction (through FY12).”

House File 167: An Act establishing a child endangerment offense for the mother of a newborn child who caused an illegal drug to be present in the newborn child’s body, and providing a penalty. *Against* This bill moved out of a subcommittee on January 30, the day of an Iowa Blizzard “unnamed”. This sort of legislation is more likely to result in a drug-induced mother putting the baby in an industrial dumpster than seeking prenatal care.

HSB 55 & SSB 1029: An Act relating to the excise tax on unlawful dealing in certain substances by adding new taxable substances and tax rates, modifying the taxation and rates of currently taxable substances, and making penalties applicable. *Against* We participated in a subcommittee meeting and warned that enactment of this bill could lead to jeopardizing the entire chapter on the drug tax stamp. Testimony on this bill is available upon request.

SSB1027 & SSB 1028: Acts requiring a person receiving a deferred judgment for or convicted of an aggravated misdemeanor to submit a DNA sample and including effective date provisions. *Against* A subcommittee has been held on this bill, but it has not been considered by the Senate Judiciary Committee. Please contact the members of the [Senate Judiciary Committee](#) and urge them to OPPOSE this legislation that expands the unnecessary use of DNA harvesting from people who are not violent (joy riding, 2nd offense OWI, and much more).

We could use some calls to Governor Branstad’s office asking him for support of mental health funding and services – 515-281-5211



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UPCOMING EVENTS

The next **[Friends of Iowa Women Prisoners](#)** meeting is at noon on **Tues., February 19th** at Wesley United Methodist Church, 800 East 12th.

In February, Jason Carlstrom, chair of the Iowa Parole Board will be our presenter. Mr. Carlstrom graduated from Simpson College in 1995, worked as a professional pilot until 2001 when he attended Drake Law School. He worked in private practice until September 2010 when he started working in the Dickinson County Attorney's office. In November of that year he was elected to the position in November 2010 and took office in January 2011. He was appointed chair of the Iowa Board of Parole by Governor Branstad in July of 2012 and started his term in September of last year. He looks forward to addressing us and encourages those present to ask questions and participate in the discussion.

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.

[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.



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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