

# JRC

## Justice Reform Consortium



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### Learn The Language

It was sad. A state representative stereotyped all limited English proficient residents into one broad sweep of the brush. “These people need to learn the English language.” That was his justification for not allowing a study bill to proceed past the subcommittee. The bill is House [Study Bill 6](#), an “Act relating to the interpreters and translators for limited English proficient participants in legal proceedings and in court-ordered programs.”

The bill is intended to comply with the federal [Civil Rights Act of 1964](#). According to a memo by the Iowa Judicial Branch directed to the Members of the Iowa General Assembly, “the United States Department of Justice has interpreted the law to mean that states are prohibited from:

- 1) Limiting the types of proceedings for which qualified interpreter services are provided by the court;
- 2) Charging interpreter costs to one or more parties;
- 3) Restricting language services to courtrooms; and
- 4) Failing to ensure effective communications with court-appointed or supervised personnel.”

No one opposed this legislation – no one except two of the subcommittee members. They seemed to want to debate the court administrator who brought the bill forward and explained its need. However, the argument that foreigners to this county should learn the language (proficiently, no less) and the projected cost of approximately \$310,000 in new funding, prevailed in the end. (Currently, the courts spend about \$500,000 for interpreter/translator needs.)

Lady Liberty may be blindfolded,  
but she needs to be able to hear

Those supporting the bill include: [Justice Reform Consortium](#); [ACLU of Iowa](#); [Iowa Judicial Branch](#); [Iowa Coalition Against Domestic Violence](#); [Iowa Annual Conference of the United Methodist Church](#); [Iowa Association for Justice](#); [League of United Latin American Citizens \(LULAC\)](#); and [Interfaith Alliance of Iowa Action Fund](#).

There are many residents of this state that are here legally, have been for a short time, and are in need of court-related services. This particular group of residents do not speak English, or speak

it poorly. They are involved in many aspects of the judicial system, civil and criminal. Without the assistance of translators and interpreters, justice is a difficult concept. Lady Liberty may be blindfolded, but she needs to be able to hear.

There is a potential costly side effect to not adopting this legislation. The federal government could find that Iowa is in noncompliance with federal law. The penalty could be a [loss of federal funds](#). The Iowa Legislature: Sacrificing millions to save \$310,000.

*This issue was a priority of Justice Reform Consortium.*

## **Shackled Speech**

- *by Stephanie Fawkes-Lee*

Acceptance can be a very bitter pill to swallow. But I fear that it will take the unnecessary death of an unborn child before members of the Iowa Legislature will seriously consider passing meaningful legislation to protect pregnant women being incarcerated in correctional institutions. This reality haunted my dreams last night and created my inability to sleep past 2:00 AM. My nightmares took root from the disturbing behavior witnessed at a subcommittee meeting in the Iowa House of Representative. My hope was to speak about my concerns at the subcommittee meeting in the Senate today, but I was not given the opportunity to speak. So it is with a very heavy heart that I share the following observations:

As commonly happens when working on the passage of positive legislation, systemic problems are discovered as governmental groups lobby legislators. Government lobbying government with taxpayer dollars is always wrought with problems. Representatives from a mixture of law enforcement entities turned out in full force attempting to kill legislation addressing the proper shackling of pregnant women in correctional settings.

Dramatic examples of pregnant women high on Meth kicking out windows during the arrest process painted a clearly disturbing picture, especially since this seems to be an ongoing problem in Ankeny of all places. Law enforcement officers were concerned that they would not be able to tell if a woman that is six-nine months pregnant was “really” pregnant or just pretending to be in order to avoid being shackled.

The most disturbing and the true cause of my nightmares is the apparently deeply-ingrained mind-set by female lobbyists representing law enforcement organizations toward these potential pregnant offenders. There was little effort to mask the scorn and contempt. And similar to most cases of prejudice, a distorted view that all pregnant women landing in a correctional setting are violent, unmanageable, drug addicts and alcoholics.

So now I am left with a deepening concern for the health and well being of both the unborn child as well as the mother if this disquieting blanket discrimination is not addressed.

Legislators should be strongly encouraged not to enable law enforcement in its dogged discriminatory determination to be exempt from the unique needs of these pregnant women. Training in the appropriate use of shackles, combined with either sensitivity training, group therapy or individual therapy to break through the deep-seated feelings of prejudice and intolerance toward pregnant women should be a priority before a tragedy occurs. It would be devastating to needlessly lose a life due to successful delay tactics by seasoned lobbyists.

Unfortunately, the delay tactics appear to be working. Legislators targeted and focused on the desires of government agencies during the meeting today, although the following groups support and many attended this meeting, but were not asked to speak (except the ACLU who requested the bill):

- [Child and Family Policy Center](#)
- [Iowa. Right to Life Committee](#)
- [Iowa Annual Conference of United Methodist Church](#)
- [Family Planning Council of Iowa](#)
- [Iowa Association For Justice](#)
- [Iowa Medical Society](#)
- [Planned Parenthood of the Heartland](#)
- [League of Women Voters of Iowa](#)
- [Interfaith Alliance of Iowa](#)
- [Iowa Catholic Conference](#)
- [Justice Reform Consortium](#)
- [American Civil Liberties Union of Iowa](#)

What a wonderful array of diverse groups representing Iowa constituencies wanting to pass this needed legislation, yet government agencies were allowed to dominate and control the discussion. What a sad couple of days for Iowa.

Unfortunately, the bill in the House now rots in the bottom of a desk drawer. The Department of Corrections insists that it needs a confidential policy. Yet eighteen states have written their policies into [state code](#) and display them on their websites. The federal Department of Justice, Bureau of Prisons has a [public policy](#) on the transport of pregnant prisoners. Somehow, Iowa must be different. Iowa's pregnant prisoners must be much more dangerous than federal pregnant prisoners and those of New York, Texas, Hawaii, and several other states.

It is difficult to understand and accept the arrogant attitude of the Dept. of Corrections and law enforcement agencies throughout the state that believe that a secret policy is beneficial to the health and well-being of a woman and her unborn child. It sort of makes you wonder what is being kept secret.

*This issue is a priority of Justice Reform Consortium.*

## **A Nightmarish Bill**

[Senate File 233](#) is a bill that attempts to accomplish a number of odd and unrelated things.

To begin with, the bill requires a mental health professional to report to the Department of Public Safety (DPS) whenever a client “is likely to engage in conduct that would result in serious harm to the person’s self or others.” What’s worse than that? The subsequent part of the section that grants immunity to the mental health professional. The bill doesn’t indicate what the DPS is supposed to do with the information. Aside from that flaw, many people seek help from a mental health professional because they may feel that they have an urge “to engage in conduct that would result in serious harm to the person’s self or others.” That is a mental health professional’s primary function – talking them out of it, or just providing a safe outlet for their emotions and thoughts.

Perhaps, if this bill becomes law, persons seeking counseling will visit with a religious shaman instead of a mental health professional. The suggestion that mental health professionals turn information over to law enforcement makes mental health professionals an extended arm of law enforcement. Eventually, what purpose would anyone have to visit with a psychologist, social worker, or psychiatrist?

The second section of the bill requires schools to develop and implement a comprehensive plan to use in the case of a shooting, assault, or other drastic catastrophe. This is a good concept. However, the plan must include “mental health service partnerships.” Ironically, this part of the bill has nothing to do with the first part of the bill as it relates to mental health professionals.

Section 3 of the bill amends the criminal code section on murder in the first degree by creating an automatic life without the possibility of parole sentence for killing a first responder “acting in the course of the first responder’s official duties”. The vague language of this section could stumble into some constitutional problems.

Bring back Senator Fraise. Senator Fraise understood *Animal Farm* and the irony it signified. Everyone is created equal – period. But in *Animal Farm*, the theme is that all animals are equal, except that some animals are **more** equal than the others.

Senator Fraise would not allow these *Animal Farm* bills to come up in his committee when he was Chair of the Senate Judiciary Committee or when he was subcommittee chair of a bill that favored one person, occupation, or life of one over another; and he always voted “NO” when he had no direct control.

The danger of enhancing the penalty of a crime perpetrated against one particular career or occupation is that it evolves into a cry of “Me next! Me next!” as others in various occupations demand that they be covered, as if it’s some magical potion that will actually protect them. Who is to say that the life of a first responder is more valuable than someone’s five-year-old grandson, or 77-year-old grandmother? This practice has to be stopped before it begins.

## **A Look At Other Bills**

**HF 184:** An Act relating to the authority of cities to regulate and restrict the occupancy of residential rental property. *JRC Supports*. This bill passed out of the House Judiciary Committee

on February 7 and is ready for floor debate. 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. The only place to live may often be a residential home in which several ex-felons are attempting to get back on their feet. 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 scary?

**HF 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. *JRC Opposes*. 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. The bill is on the House Regular Calendar and eligible for debate. Please contact your [representative](#) and urge him or her to vote against this bill if it comes up for consideration.

**HSB 155 & SSB 1151**: 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 Youth 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, 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. Please contact your legislators and urge them to support these bills.

**SSB1027 & SSB 1028 & HSB 51**: 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. *JRC Opposes*. 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 (for example: joy riding, 2<sup>nd</sup> offense OWI, and much more).

**Please keep up with those calls to Governor Branstad’s office asking him for support of mental health funding and services – 515-281-5211**

### **Interesting Links:**

Let ‘em hear it - [http://qctimes.com/news/opinion/editorial/grab-an-iowa-legislator-s-ear/article\\_d78464b8-7d89-11e2-9276-001a4bcf887a.html](http://qctimes.com/news/opinion/editorial/grab-an-iowa-legislator-s-ear/article_d78464b8-7d89-11e2-9276-001a4bcf887a.html)

The Saturday Evening Post – Jailhouse Blues:  
<http://www.saturdayeveningpost.com/2013/01/11/in-the-magazine/trends-and-opinions/prison-system.html>

Nebraska's *Miller v. Alabama* solution: [http://journalstar.com/legislature/judiciary-committee-advances-juvenile-life-sentencing-bill/article\\_e056db75-f01e-5af9-a950-2d7c4833a637.html](http://journalstar.com/legislature/judiciary-committee-advances-juvenile-life-sentencing-bill/article_e056db75-f01e-5af9-a950-2d7c4833a637.html)



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## UPCOMING EVENTS

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## Juvenile Records Sealing Day

The Drake Legal Clinic and Middleton Center for Children's Rights is sponsoring a "**Juvenile Records Sealing Day**" on Saturday, March 2nd from 11:00 am – 4:00 pm.

Anyone who is 18 or older and has a juvenile record may be eligible to have the record sealed. The information regarding record sealing is free and meetings with staff are confidential.

The Drake Legal Clinic is located at 2400 University Avenue in Des Moines (the southwest corner of 24th & University).

Call Ronnie Hawkins at (515) 271-3857.

Please pass this information on.

Having a criminal record is a big deal. Getting a juvenile record sealed is a big deal.

The longer someone waits to get a record sealed the more potential harm there is.

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The next **Friends of Iowa Women Prisoners** meeting is at noon on **Tues., March 19<sup>th</sup>** at Wesley United Methodist Church, 800 East 12<sup>th</sup>.

In March our speaker will be Teresa Bomhoff, Chairperson of the Iowa Mental Health Planning Council and President of the National Alliance on Mental Illness (NAMI) of Greater Des Moines. She also volunteers with a number of other agencies as well as serving on several legislative task forces and committees on issues surrounding mental illness. Teresa has family members living with severe mental illness. Teresa's son is an Eagle Scout and disabled veteran

Our founder, Carlos Jayne, will update us on what's happening in the Legislature regarding the gun issue.

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 12<sup>th</sup> Street in Des Moines. The location is a block west of East High School. Please contact [Vi](#) for more information.

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**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 12<sup>th</sup> & 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-8<sup>th</sup> that have a loved one incarcerated

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

**When:** 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the Month; 6 week course

February 19

March 5, 19

April 9, 23

May 7

**Where:** Union Park Methodist located on E. 12<sup>th</sup> & 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](mailto:mel@cfpciowa.org)

or calling 515-229-2645

or Jolene at [joventure@me.com](mailto:joventure@me.com)

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***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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