

# JRC

## Justice Reform Consortium



Vol. 5 #1 January 21, 2014  
**Caucus Night**

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### Happy New Year

The 2014 session of Iowa's Eighty-fifth General Assembly has begun. We're one week into the new session and a small number of bills have been introduced compared to previous sessions.

Justice Reform Consortium has registered on the following bills:

**SSB 3022**: Against – A Proposed Department of Public Safety Bill. This bill prohibits the possession of Sodium Hydroxide, Ammonia Nitrate, Ammonia Sulfate, and light or medium petroleum distillates. Although the prohibition is dependent upon the intent, many of these chemicals might be legitimately possessed by those engaged in agriculture.

**SSB 3024**: Undecided – A Proposed Attorney General Bill. This legislation makes changes in the Chapter of the Iowa Code pertaining to Sexually Violent Predators. Although JRC is somewhat comfortable with the language that defines “convicted”, we are not satisfied with the remainder of the bill.

**SSB 3026**: For – A Proposed Judicial Branch Bill. JRC highly supports this proposal. The bill provides that a “limited English proficient” person who is a participant in any legal proceeding involving a court or an administrative agency or in court-ordered programs shall be entitled to an interpreter or a translator to assist the person in the proceeding or program. We have seen this legislation before, [last year](#) as well as several years ago. The bill is intended to comply with the federal [Civil Rights Act of 1964](#). We will be reporting on this issue more as the session continues.

**SF 2019**: For – A bill introduced by [Senator Janet Peterson](#) (D-Des Moines). This bill prohibits the use of restraints against a pregnant inmate or detainee under most conditions. This bill is similar, but not identical to [SF 399](#) last year.

**SF 2020**: Against – A bill introduced by [Senator Matt McCoy](#) (D-Des Moines). The bill enhances the penalty for animal neglect. We don't like to see animals neglected, but we don't like to see penalties enhanced, either. Enhancing the penalty will not serve as a deterrent.

**SF 2021**: Against – A bill introduced by [Senator Matt McCoy](#) (D-Des Moines). The bill enhances the penalty for animal torture. Like neglect, we don't like to see animals tortured. However, we have seen no evidence that enhancing the penalty will prevent or reduce the number of incidents.

**[HSB 500](#)**: Undecided – This is a bill mirrors the first section of **[SSB 3024](#)**, mentioned above. Soon, JRC is expected to change its declaration to “support”.

**[HSB 501](#)**: Against – Our major concern with this bill is the elimination of earned time. Earned time was a significant component of the Blue Ribbon **[Sentencing Commission of 2000](#)**, which was rejected by 3 House members, although the majority of Task Force members were in favor of the final report. We should not go backwards.

**[HSB 503](#) & [SSB 3034](#)**: Against – This bill expands the use of “interference with official acts” to include “jailers” in a “county jail or municipal holding facility”. Not only is the inclusion redundant, but unnecessary. Those charged with this criminal act will most often be people who are drunk, drugged or mentally ill. There will be no deterrent effect to the charge.

**[HSB 505](#)**: Undecided – We are not sure what this bill does, at this time. The bill’s explanation states that it “amends newly codified language enacted in SF 288 (Youthful Offenders) during the 2013 legislative session.” We will have to conduct further research to determine exactly what this legislation is attempting to cure.

**[HSB 506](#) & [SSB 3036](#)**: Against – This bill will allow an active law enforcement officer to serve as a county magistrate appointing commissioner. We oppose this legislation because of the potential conflict-of-interest. Law enforcement officers seek search warrants from magistrates.

**[HSB 510](#)** : Against – This bill changes the standard for conducting strip searches in a jail or holding facility from the stringent “probably cause” standard to a more lenient “reasonable suspicion” standard. This applies to persons who have been arrested for a scheduled violation (like speeding) or a simple misdemeanor.

**[HF 2023](#)**: Against – This bill, introduced by **[Bobby Kaufman](#)** (R-Wilton), is a combination of SF 2020 and SF 2021 above by McCoy.

## **DOC Funding**

In a surprising move, you may have read that the governor is proposing the Iowa Legislature use surplus revenues to increase funding to state agencies, spending more than the state receives as revenue. The uncanny proposition has several news outlets scratching their heads. It’s usually the Democrats that suggest funding using one-time resources, as reported in the *Des Moines Register* article, **[Roles Flip In Iowa State Budget Discussion](#)**.

Some of the increases proposed by the governor affect programs JRC has been interested in over the years. The Prison Rape Elimination Act of 2003, or **[PREA](#)**, was enacted by Congress “to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies. PREA calls for Federal, State, and local corrections systems to have a zero-tolerance policy regarding prison rape (as defined by PREA) in prisons, jails, police lock-ups, and other confinement facilities.” National Institute of Justice.

**<http://nij.gov/topics/corrections/institutional/prison-rape/pages/prea.aspx>**

The governor’s budget proposal calls for two positions (investigators) to help implement this program.

Also, the equivalent of 14 new positions within Iowa’s eight Departments of Correctional Services (often called CBCs, meaning Community-Based Corrections) will be funded to help the

state keep up with offenders who will be released from prison and have been sentenced to serve special lifetime sentences for certain sex crimes.

An increase in funding for the contract with Iowa Legal Aid, and an increase in funding for a few other programs and basic operations within the walls of Iowa's several prisons are noticeable in the governor's budget. It will be interesting to see how the House and Senate chop up the governor's proposals and settle on funding in the end.



## Selected links:

From The Washington Post - George Will: The sledgehammer justice of mandatory minimum sentences – [http://www.washingtonpost.com/opinions/george-will-the-sledgehammer-justice-of-mandatory-minimum-sentences/2013/12/25/959e39de-6cb2-11e3-a523-fe73f0ff6b8d\\_story.html](http://www.washingtonpost.com/opinions/george-will-the-sledgehammer-justice-of-mandatory-minimum-sentences/2013/12/25/959e39de-6cb2-11e3-a523-fe73f0ff6b8d_story.html)

From Prisonmovement's Weblog – Jotaka L. Eaddy: Our Nation has a Secret: Felony Disenfranchisement in America  
<http://prisonreformmovement.wordpress.com/2013/12/20/our-nation-has-a-secret-felony-disenfranchisement-in-america/>

From the New York Times – Erik Eckholm: Prosecutors Draw Fire for Sentences Called Harsh: <http://www.nytimes.com/2013/12/06/us/federal-prosecutors-assailed-in-outcry-over-sentencing.html? r=0>

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## UPCOMING EVENTS

### Quarterly Meeting of Iowa CURE (Iowa Citizens United for the Rehabilitation of Errants)

**Focus will be on juveniles who have received life without parole or other excessive prison sentences. Speakers will discuss Iowa and U.S. Supreme Court decisions related to juvenile sentencing:**

- \* **Litigation: Attorney Gordon Allen**
- \* **Legislation: Lobbyist Marty Ryan**

**Saturday, January 25, 2014, 2-4 p.m.  
Grace United Methodist Church,  
3700 Cottage Grove  
Des Moines, Iowa 50311**

**Refreshments will be served**

**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.

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The next **Friends of Iowa Women Prisoners** meeting is at noon on **Tues., January 21<sup>st</sup>** at Wesley United Methodist Church, 800 East 12<sup>th</sup>.

**MISSION: To bring together and inform individuals and groups concerned about women in the Iowa correctional system and to act on their behalf.**

FIWP Mailing Address: Post Office Box 71272, Clive, IA 50325

We welcome, to our January meeting, Jerry Foxhoven who is the Executive Director of Clinical Programs and a Professor of Law at the Drake University Law School. Formerly he was the Director of the Joan and Lyle Middleton Center for Children's Rights and a Fellow of the Adoption Research Institute at the University of Massachusetts. He also served on the Board of Directors of National CASA and was President of the National Association of Foster Care Reviewers.

He is currently the chair of the Iowa Child Welfare Advisory Committee, the Iowa Child Protection Council, and the Iowa Citizen Review Panel. He has served as an expert witness in child welfare cases and related lawsuits in Iowa, Massachusetts and Michigan and has spoken at over 150 conferences and seminars across the country.

Jerry is on the National Advisory Board of *Fostering Families Today* magazine. He recently served as Chair of the Iowa Juvenile Home Protection Task Force. He has received numerous awards, including: the "Leland Forest Outstanding Professor Award" from the Drake Univ. Law School, the "Angel in Adoption Award" from the Congressional Coalition on Adoption Institute in Washington, D.C., the "Champion for Children Award" from Prevent Child Abuse Iowa, the "American Dreams Award" from Iowa Friends of Foster Children Foundation and the "Outstanding Contribution to the Well-Being of Children and Youth Award" from Youth and Emergency Shelter Services.

#### **UPCOMING MEETING & PRESENTER**

Our February 18th presenter will be Marty Ryan who will bring us up to date on the 2014 legislative session.

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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***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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