

JRC

Justice Reform Consortium



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The Iowa Summit on Justice & Disparities

Members of the Justice Reform Consortium Steering Committee were on hand to attend the 2nd Annual Iowa Summit on Justice & Disparities held on Monday, November 17 at the Drake Olmstead Center. The conference was sponsored primarily by the Iowa-Nebraska Chapter of the NAACP. The opening address was given by Iowa Chief Justice Mark Cady.

The NAACP has what it calls “Game Changers” that will “address the major areas of inequality facing African Americans that are the focus of the NAACP’s work.” These Game Changers include:

Economic Sustainability: Equal opportunity to achieve economic success, sustainability, and financial security.

Education: Free, high quality, equitable-funded, public pre-K and K-12 education followed by diverse opportunities for accessible, affordable vocational or university education.

Health: Equal access to affordable, high-quality health care, and racially disparate health outcomes will end.

Public Safety and Criminal Justice: Disproportionate incarceration, racially motivated policing strategies, and racially biased, discriminatory, and mandatory minimum sentencing will end. Communities will be safer. The death penalty will be abolished.

Voting Rights and Political Representation: Free, open, equal, and protected access to the vote and fair representation at all levels of the political process. African Americans will be proportionally elected to political office.

The conference and workshops were designed to bring attention to those Game Changers mentioned above.

We didn't just learn something at this conference; we were educated. There are so many people who want to accomplish something in the area of overrepresentation in prison, felony disenfranchisement, and general stereotypical attitudes in Iowa. There were representatives from police forces, the courts, educators, state agencies, and the rest of us. We want to be a part of a new movement. We no longer want lip service task forces. We no longer want vague promises from leadership in the three branches of government. As [Pamela Meanes](#), President of the [National Bar Association](#), said in her keynote address, we want an "equal application" of the law, not just equal protection.

JRC Annual Meeting

Justice Reform Consortium held its annual meeting last October 23rd at the Valley Methodist Church in West Des Moines. The featured speaker was Iowa Supreme Court Justice [David Wiggins](#). Justice Wiggins took the audience through the court process and presented an abbreviated history of civil rights in the Iowa Courts.

Honorees for this year were Irv Hoffbauer and the late Bill Basinger. The presentation to Irv can be accessed [here](#). The presentation for Bill Basinger (posthumously) can be accessed [here](#).

JRC's legislative program looks like a "Groundhog Day" movie. The same issues keep repeating themselves over and over and over again. 2015's agenda looks very much like 2014's, 2013's, and several more previous years.

Enhanced Penalties & New Crimes: Prevent the passage of bills that enhance current criminal penalties and create new crimes without some sort of empirical evidence to demonstrate that the enhancement or creation of the law is the only alternative to addressing a criminal matter, and that all alternatives have been exhausted.

Funding For Mental Health & Substance Abuse Programs: JRC is not seeking funding for the sake of funding, but favors funding programs that work for the individual instead of a one model fits all sort of program. Funding should include alternative programs that do not work for those who cannot fit the mold.

Amending the Iowa Code to reflect the changes the Courts have made to juvenile sentencing in class "A" felonies and mandatory minimums, more specifically, to adhere to the holding in [State v. Lyle](#). In the past, County Attorneys have been adamant in demanding that a specific number of years be served before a juvenile defendant may be eligible for parole. We believe that a number of years will violate the holding of *Lyle*. Perhaps this is the year in which county attorneys and the Attorney General will work with JRC and legislators in getting it right.

Supreme Court's Translator/Interpreters Bill: This is a holdover from the two or three previous sessions and we're not sure if the courts will try again. They should! This bill requires the Judicial Branch to pay for court interpreters and translators from the Jury and Witness Fee Revolving Fund for all types of court proceedings (civil, criminal, and juvenile) and predisposition court ordered programs (mediation and Children in the

Middle) regardless of case type or economic status of the Limited English Proficient participant and without charging interpreter fees back to the party or parties.

Mandatory Minimums: JRC has been pleading with legislators for years to eliminate mandatory minimums. They accomplish nothing but increased prison populations. Hopefully, this will be the year to experience some progress.

Drug Penalties: The disparity between crack and powder cocaine; the continual addition of new substances to the list of schedules; and the enhancement of penalties or decrease in thresholds of current law are all parts of a broken system (The War on Drugs) that must come to a sensible conclusion. JRC should monitor any movement to tinker with Chapter 124, and work to assist those in making sound drug policy.

The Iowa Department of Corrections will be introducing 3 bills during this upcoming legislative session and JRC will support one, oppose one, and remain neutral on the other.

Lifers' Gate Money: This issue is going to be a bill introduced by the DOC. Lifers do not need to have a fund in which they save up to \$100 for their eventual release. They will not be released under normal circumstances. So, the department is seeking to change Iowa Code section 904.508 to exempt lifers from contributing to a savings account that other inmates receive upon release. Iowa Code section 906.9 is the statute that provides a released inmate, "at state expense, appropriate clothing and transportation". It also provides the released inmate with the money the inmate has saved. This section of the law needs to be changed. \$100 is not provided to *all* inmates upon release. The \$100 minimum is for parolees. Those being placed on work release receive \$50. JRC will be neutral on this issue.

Sexual Misconduct By A Correctional Officer Or Others: Sexual misconduct committed by employees and agents of the department of corrections and judicial district departments of correctional services is a serious offense. JRC has supported this effort in the past and will again in 2015. The penalty increases from a misdemeanor to a felony.

No Second Opinions For Inmates: A legislative proposal by the DOC consists of a change to Iowa Code Chapter 229 that "would not allow an inmate committed to the custody of the Iowa department of corrections from requesting a separate examination from a doctor of their choosing. Current practice is [sic] inmates are requesting a second opinion, [sic] from a doctor of their choosing, and the DOC is forced to pay because the inmate has no funds. The DOC is not legally required to provide, and pay for, second opinions for non-psychiatric medical evaluations and should not be allowed for involuntary hospitalizations." JRC will OPPOSE this proposal on the grounds that mental health is not the same as physical health. A physical ailment can most often be seen, felt, and recognized by outward symptoms. A mental ailment is rooted deep inside a person and does not usually display outward or obvious symptoms. We have not seen legislation on this matter and do not know if the governor's office has authorized it or approved it. Except for the [sic] additions, this is the same information provided to the JRC in 2013.

The following is excerpted from the Iowa Legislative Services Agency – Fiscal Division Monthly Newsletter:

DEPARTMENT OF CORRECTIONS –JOHN BENNETT UNIT CLOSED

Funding.

The Department of Corrections (DOC) received an increase of \$500,000 for the operating budget at the Iowa State Penitentiary (ISP) at Fort Madison in FY 2014. The funds were to be used for the one-time costs to renovate or replace a bunk house at Farm One at Fort Madison to house minimum-security offenders currently housed at the John Bennett Unit. Farm One is the location of the new ISP. The 152-bed John Bennett Unit (JBU) is attached to the exterior wall of the old ISP.

FY 2015. The DOC was allowed to carry forward the \$500,000 into FY 2015 in HF 2450 (Justice System Appropriations Act). The ISP brought forward \$450,000 into FY 2015, from the original \$500,000 appropriation. The Act permits the DOC to demolish the existing bunkhouse at the new ISP and remodel the relocated JBU. The DOC is replacing the JBU by converting the existing Clinical Care Unit (CCU) to a minimum-security facility.

Capacity.

The DOC moved minimum security offenders into the CCU on October 14, 2014. The old JBU was closed, and the CCU is now named the JBU. This reduced designed capacity by 152 beds; the designed capacity is now 7,276 beds. The current prison population is 8,131 offenders. The system is operating at 111.7% of designed capacity.

Information.

Additional information is available on the DOC's website at <http://www.doc.state.ia.us/default.asp> or by contacting the LSA.

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DEPARTMENT OF CORRECTIONS PRISON RECIDIVISM RATES

Report.

The Department of Corrections (DOC) published a report in October 2014 regarding returns to prison over a three year period. The report, Prison Recidivism FY 2014, analyzes data for offenders released from prison over a three year period, and the return rate to prison.

Findings.

The DOC started tracking prison recidivism rates in FY 2007; the rate was 33.9% at that time. The FY 2014 prison recidivism rate is 29.7%, for a decrease of 12.4% since FY 2007. FY 2014 is the first year that shows a prison recidivism rate below 30.0%. The report also provides information on offender characteristics, including a comparison of recidivism rates by race, gender, age, mental illness, and crime type of the conviction (such as drug, property, violent, or public order). The rate of return to prison for technical reasons (all reasons other than new convictions) appears to be fairly stable from FY 2007 through FY 2014, at about 11.1%. The overall reduction in the recidivism rate appears to be primarily due to a decline in returns to prison for a new conviction.

Additional Information.

More information is available upon request or on the DOC website at:

<http://www.doc.state.ia.us/research.asp>

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Dear Friends Working for Justice,

Keep up to date on criminal justice news across the nation with a free subscription to the Marshall Project. You may have noticed they have been in the news here in Iowa due to their efforts to get information about sexual assaults in the Iowa prison system through the Freedom of Information Act. Just go to their website at www.themarshallproject.org and click on "subscribe."

Peace, Jean Basinger, President, Iowa CURE



Selected links:

We are pleased to invite you to a Summer 2014 issue of the International CURE Newsletter. You can find it at:

<http://internationalcure.org/newsletters/INL%20Summer%202014%20pp%201-11.pdf>

2007 Prison System Planning Study Committee Documents:

<https://www.legis.iowa.gov/committees/meetings/documents?committee=625&ga=ALL>

Will Iowa Help Bring About National Sentencing Reform? Cohen, Andrew. *Brennan Center for Justice at New York University School of Law*. NOVEMBER 7, 2014.
<http://www.brennancenter.org/analysis/will-iowa-help-bring-about-national-sentencing-reform>

New York City Plans Focus on Mental Health in Justice System [MICHAEL WINERIP](#) and [MICHAEL SCHWIRTZ](#) *New York Times*. DEC. 1, 2014.
<http://www.nytimes.com/2014/12/02/nyregion/new-york-city-to-expand-health-services-for-mentally-ill-inmates.html?partner=rss&emc=rss&r=0>

Please help us with a generous contribution. Thanks!

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

Here is my contribution of \$ _____

Submit your subscription payment to:

Jean Basinger
Justice Reform Consortium
c/o Trinity United Methodist Church
P.O. Box 41005
Des Moines, IA 50311

Name: _____

Address: _____

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The JRC Newsletter makes a great holiday gift. For one thing, it doesn't cost anything. But if you know someone who is not receiving it; should receive it; and would like to match your gift for receiving it; let us know and we'll add them to our list – if they're not already on it.

UPCOMING EVENTS

ARTISTRY IN PASTEL

ART SHOW BY STUDENTS OF THE ART PROJECT
IOWA CORRECTIONAL INSTITUTION FOR WOMEN

WHERE: FRAME WORKS
5800 MERLE HAY ROAD, JOHNSTON, IOWA

WHEN; DECEMBER 6TH THROUGH DECEMBER 30TH

OPENING RECEPTION: SATURDAY, DECEMBER 6TH, 2014
4:00 TO 6:00PM

HOPE YOU WILL STOP BY AND SUPPORT THIS WONDERFUL PROJECT!

ART WILL BE FOR SALE! WONDERFUL CHRISTMAS GIFTS!

"I have several [paintings by Kathy Tyler] in my living room; she is a talented but unknown artiste."
Gordy Allen.

"Yes, some very talented women at the ICIW art program and I have become a sort of "collector" myself and have several proudly hanging in my home (as Gordy does). I also have bought a couple of Yvette's for my two daughters in CA. I currently have one by Andrea Morris, two by 'JME B' and one by 'Terry Ann' so I am looking forward to this showing." John Fisher.

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.

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

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

Our December presenters will be Kay Oliver and Jim Pemble sharing the story of Camp Hope, the summer camp for children of incarcerated parents.

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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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; IowaNebraska NAACP.

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