
LEGAL UPDATE

Legal Services Division



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BOARD OF CORRECTIONS MEETING - JULY 12, 2019

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

Date and Location. The Board of Corrections met on July 12, 2019, at the 1st Judicial District, Department of Correctional Services, Women's Center for Change, in Waterloo, Iowa.

Swift, Certain, and Fair Program. Ms. Jamekia Sanders, Community Treatment Coordinator, 1st Judicial District, presented information on the Swift, Certain, and Fair Program, a probation supervision program launched in Black Hawk County in July 2018. The goal of the program is to promote successful completion of probation supervision. The program was developed for probationers who score as high risk and have a prior revocation, history of substance abuse issues, and at least one current probation violation. Normally, probation violations are addressed at revocation hearings after a client has accumulated several violations or new charges, or both. Revocation hearings often take place weeks or months after the violations and result in revocation to prison or lengthy jail time. The Swift, Certain, and Fair Program provides an alternative route as it is designed to address certain probation violations immediately with short and fair sanctions. Under the Swift, Certain, and Fair Program, a hearing is held within days of a violation and jail is the most common sanction. Incentives are also used to reward positive behavior.

Transgender Health Care Update. Dr. Jerome Greenfield, Health Services Administrator, Department of Corrections, provided a health care update on transgender individuals under the care of the department. Dr. Greenfield provided background information and key terminology for the transgender discussion, noting the distinction between the terms "transgender" and "gender dysphoria." He stated that not all individuals who are transgender, meaning an individual whose sense of identity and gender does not correspond with his or her assigned birth sex, have a Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnosis of gender dysphoria, which involves an inner conflict between an individual's assigned birth sex and the gender with which he or she identifies. Dr. Greenfield noted that it has been the consensus of some major health organizations including the American Medical Association and the American Psychiatric Association that transition treatments are medically necessary. He also noted that organizations such as the National Commission on Correctional Health Care have adopted position statements in regard to health care needs of transgender people who are incarcerated.

Dr. Greenfield stated that a diagnosis of gender dysphoria is made by psychiatrists by conducting a thorough review of the individual's childhood and adult experiences and past medical records. He stated that the only medical intervention that is currently being offered to transgender individuals who are incarcerated is hormone replacement therapy. A transgender individual who is incarcerated who has co-existing physical and psychiatric issues is treated and commissary items are available. He noted that the department regularly consults with nationally recognized transgender health care expert Dr. Nicole Nisly, who is on staff at the University of Iowa Hospitals & Clinics. He also stated that the department coordinates reentry into the community for individuals with community health care providers.

Dr. Greenfield stated that the board has approved a gender dysphoria policy for incarcerated individuals. The health care staff work closely with security to assure the safety of individuals in treatment and provide education to staff and other incarcerated individuals. Dr. Greenfield reported that there have been very few problems with safety. Dr. Greenfield stated that an incarcerated individual's preferred name is listed on the individual's identification badge and staff try to use the individual's preferred pronoun. Additional education is being explored department-wide. Dr. Greenfield stated that transfer of individuals in treatment to a gender-preferred institution is discussed by a committee composed of the Health Care Director, Nursing Director, and wardens of both the sending and receiving institutions.

Dr. Greenfield reported that within the department, 31 individuals have a gender dysphoria diagnosis and 11 individuals are currently undergoing evaluation for such a diagnosis. He stated that 26 of the individuals with gender dysphoria identify as transwomen (male-to-female) and five identify as transmen (female-to-male). He noted that a committee meets and has quarterly conferences to discuss potential new and established cases. Dr. Greenfield stated that only two individuals have been transferred between the department's institutions because of a gender transition, and both individuals were transferred to the Iowa Correctional Institution for Women in Mitchellville. One of those individuals has discharged her sentence.

Budget Discussion. Mr. Steve Dick, Financial Manager, Department of Corrections, provided a budget overview for FY 2019 and FY 2020. He provided details on staffing at prisons and community-based correctional facilities. He also provided details on appropriations for projects relating to the installation of a sprinkler system and fire panels in a residential facility, a computer switch upgrade in a correctional facility, security cameras in a residential facility, telephones and intercoms in a residential facility, the installation of a fire alarm system and security camera in a residential facility, and the installation of a fiber optic system in a correctional facility, and a three-year extension of the Iowa Corrections Offender Network Contract.

Public Comments. Senator Claire Celsi asked for clarification about which correctional facilities lack air conditioning. Department staff stated that the Mount Pleasant Correctional Facility has never been equipped with air conditioning in its living units and the Anamosa State Penitentiary does not have air conditioning at all. Senator Celsi asked for budget projections to equip the Mount Pleasant Correctional Facility with air conditioning.

Mr. Leon Mosley, a Waterloo resident and President of the Project Advisory Committee of the 1st Judicial District, asked board members to introduce themselves and describe their backgrounds. Members complied. He then raised the issue of gun violence in society. Board members stated their opinions about the causes of gun violence in society. Ms. Joann Finkenbinder, a Waterloo resident and member of the Project Advisory Committee of the 1st Judicial District, thanked the board for their questions and for listening to the Swift, Certain, and Fair Program presentation.

Open Discussion. Committee members spoke briefly on matters that were not on the agenda. Board member Mr. Richard LaMere stated that there was a recent assault on three staff members at the Iowa State Penitentiary in Fort Madison, and he encouraged everyone to keep in mind the dangers involved for staff working in the correctional system, both physically and mentally.

Board of Corrections materials handouts may be found at: doc.iowa.gov/about-us/board-corrections/board-corrections-handouts.

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