

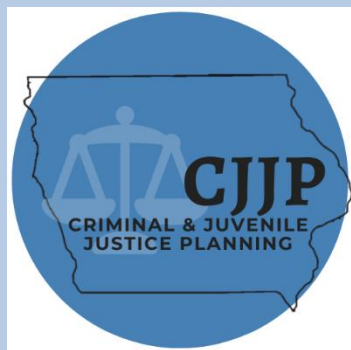


JUSTICE ADVISORY BOARD 2023-2026 Three-Year Criminal and Juvenile Justice Plan

Iowa Human Rights –
Criminal and Juvenile Justice
Planning and Statistical
Analysis Center

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Executive Summary

In 2019, the Legislature passed House File (HF) 634 that established the Justice Advisory Board (JAB) in the Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP). The JAB is required, per Iowa Code §216A.135, to develop and submit a three-year plan and annual report to the Legislature and Governor. In 2023, the Legislature passed Senate File (SF) 514 that established a restructuring of state government. As part of this legislation, CJJP became part of the Iowa Department of Health and Human Services Division of Strategic Operations. However, the JAB duties and responsibilities under Iowa Code were unchanged.

Each of the priority areas in the three-year criminal and juvenile justice plan is a major undertaking. The JAB is committed to make strides in each of these areas to improve Iowa's justice system:

- 1) Racial Justice
- 2) Mental Health
- 3) Community-Based Corrections & Alternatives to Incarceration
- 4) Sex Crimes
- 5) Equal Access to Justice

Each priority area is discussed in detail with objectives and specific (both short-term and long-term) action steps. These action steps begin with research, study, data gathering and analysis that will determine the most effective and best practices and policy recommendations.

This plan builds on the prior efforts of the JAB and others who strive for public safety by creating a fair and equitable criminal justice system. Achieving the objectives and completing the action steps will require multidisciplinary and multiagency cooperation. Making change in policy and practice will require coordinated efforts from justice entities and the Legislature.

The existing Juvenile Justice Advisory Council (JJAC) serves as the juvenile justice system subcommittee, required by §216A.137.2. The JJAC completes a three-year plan that is submitted to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The JJAC has identified priority areas on juvenile justice. The JAB and JJAC will work together to accomplish those common goals and action steps.

Achieving the identified objectives, goals, action steps, and recommendations will require coordinated efforts from all three branches of government. The JAB and CJJP staff will partner with policy makers and assist in implementing the recommendations.

Priority 1: Racial Justice

There are obvious disparities between people of color and their white counterparts in the criminal justice system, ranging from police arrests to the disproportionate numbers of black youth and adults who are incarcerated. In the Sentencing Project (October 2021) study on racial and ethnic disparities in the nation’s criminal justice systems, Iowa was identified as one of the states with the largest disparity in black/white incarceration. The JAB proposed the following action steps to help reduce racial disparity in Iowa’s Criminal and Juvenile Justice system.

Table 1: Summary of Racial Justice Priority

Priority One: Racial Justice
Objective 1: Identify and utilize data sources to examine and address racial profiling and racial disparities.
<i>Racial Profiling.</i>
Action Item 1: Examine other states/jurisdictions’ racial profiling legislation.
Action Item 2: Establish connections with other state agencies and Iowa communities to examine what is currently being done to address racial profiling and disparities.
Action Item 3: Enact legislation that aims to prevent racial profiling, including the addition of capturing self-reported race/ethnicity when obtaining or renewing a driver’s license.
<i>Juvenile Justice System.</i>
Action Item 4: Work closely with Juvenile Justice Advisory Council to ensure strategies and goals are aligned.
Action Item 5: Create inventory about available community resources.
Action Item 6: Understand availability & effectiveness of youth programs in Iowa, including diversion programs.
Long-Term Action Item 7: Explore strategies to end the school-to-prison pipeline.
<i>Social Determinants of Health.</i>
Action Item 8: Investigate available data sources to analyze the intersection of substance abuse, mental health, housing, income, etc. with the aim to better understand racial disparities.
Action Item 9: Explore available data sources on Adverse Childhood Experiences (ACEs) to inform decision making processes and policies.
Long-Term Action Item 10: Explore available data on social determinants of health to determine prevention strategies.
Long-Term Action Item 11: Use the data sources to analyze the intersection of substance abuse, mental health, housing, income, etc. with the aim to better understand racial disparities.
Long-Term Action Item 12: Use data sources, including Adverse Childhood Experiences (ACEs) to inform decision making processes and policies.
Objective 2: Review and report on best practices that reduce excessive use of force.
Action Item 1: Examine use of force policies and recommend changes.

RACIAL JUSTICE IMPLEMENTATION ACTIVITIES

THREE-YEAR OBJECTIVE: Identify & utilize data sources to examine & address racial profiling & racial disparities

Racial Profiling

Racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.¹

Iowa has made several steps to reduce racial profiling by police including:

- Governor Reynolds signed HF 2647, which banned chokeholds, required implicit bias and de-escalation training for police officers, and provided more oversight of officers who commit serious misconduct.
- Governor Reynolds also charged the 2020 FOCUS Committee with developing recommendations on anti-racial profiling legislation before the 2021 legislative session. Two bills were introduced in 2021, HF 130 and SF 188, that would have prohibited “disparate treatment in law enforcement, including racial and ethnic profiling,” but were not passed.
- Legislation (SF 354) was introduced in 2023 to capture race/ethnicity data during traffic stops. The bill did not pass.

The first step towards identifying racial profiling is to put methods in place to gather data on police-initiated actions (i.e. traffic stops). Collecting race and ethnicity data during any law enforcement stop is an approach used by other states. For example, Nebraska passed legislation in 2001 to combat racial profiling. Since at least 2006, race/ethnicity data has been collected by one of three methods when filling out paperwork during traffic stops: hand-written, electronic but manually input, and automatically populated using a driver’s license barcode.²

Recommendation: Review other states’ legislation and process for collecting race/ethnicity data to analyze police stops. The JAB will support legislation defining racial profiling and promoting unbiased policing efforts. Federal funding opportunities are available for states that define racial profiling and collect demographic data on drivers during officer-involved traffic stops. Funding will assist law enforcement agencies to develop collection methods, will assist in gathering and analyzing the data, and will provide adequate training for law enforcement to prevent profiling.

The JAB is interested in developing collaborative relationships with other state partners to identify potential data sources and develop strategies to collect the data outside of legislative mandates. The ACLU of Iowa stated that Iowa City, Davenport, and 13 other city police departments have internal racial profiling policies.³ The NAACP is currently working with the Iowa Department of Transportation (DOT) on issues associated with collecting citizen’s race and ethnicity as a part of the driver’s license record. Other potential partners, such as the Department of Public Safety and the Governor’s Traffic Safety Bureau will aid in the collection of data from police departments.

¹ U.S. Department of Justice. (November 2010). Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned. p. 6. (NCJ Number: 184768).
<https://www.ncjrs.gov/pdffiles1/bja/184768.pdf>

² Nebraska SAC (2022). Traffic Stops in Nebraska.
<https://ncc.nebraska.gov/sites/ncc.nebraska.gov/files/doc/Traffic%20Stops%20in%20Nebraska%202022.pdf>

³ ACLU of Iowa (2019). Anti-Racial Profiling Efforts Gaining Momentum, <https://www.aclu-ia.org/en/anti-racial-profiling-efforts-gaining-momentum>

Juvenile Justice

The Iowa Supreme Court Juvenile Justice Task Force reviewed the continuum of care in Iowa’s Juvenile Justice System and presented its final report and recommendations in February of 2023.⁴ The court charged the task force to review the continuum of care in Iowa’s juvenile justice system and make recommendations to improve its services, governance, and data collection. The Juvenile Justice Task Force was specifically asked to pay special attention to, and include recommendations related to, the racial and gender disparities that exist in the juvenile justice system. **Recommendation: Implement the Juvenile Justice Task Force recommendations.**

Eliminating racial disparities to create an unbiased juvenile and criminal justice system is a goal that requires decision makers (e.g. law enforcement, adult and juvenile courts, probation, parole, prisons) to engage in equitable actions at each decision point along the criminal justice continuum from pre-arrest through correctional supervision, and begins in the juvenile justice system.

Community Resources

Action: CJJP will create an inventory on available community resources. CJJP staff will create a comprehensive document on the available types of community resources (for example, behavioral treatment centers, recreation opportunities, substance use treatment, etc.). This resource will be shared with stakeholders and the JAB members. The JAB wants to understand the availability and effectiveness of youth programs in Iowa, including diversion programs. CJJP will continue to investigate current youth programs and pre-charge diversion (PCD) programs across the state.

School-to-Prison Pipeline

The School-to-Prison Pipeline (STPP) is defined by the American Bar Association

“as a series of practices and policies that funnel children and adolescents from public schools into our juvenile and criminal systems. Despite jurisprudence from the Supreme Court stating that children are not to be treated as little adults, the STPP reflects a disturbing and retributive narrative that has contributed to the criminalization of childhood and adolescence and has disproportionately affected our most vulnerable populations—youth of color, youth with mental health issues, youth with educational disabilities, and youth who identify as LGBTQ+.”⁵

Recommendation: Explore strategies to end the school-to-prison pipeline in Iowa. Specifically, the board is interested in gathering information and data on any racial disparities in youth referred to juvenile court by schools and School Resource Officers (SROs). CJJP will build on previous research and prior collaborations to investigate changes in use of school suspensions and expulsions, SROS, restorative justice, and efforts to reduce the school-to-prison pipeline.

Social Determinants of Health

The Social Determinants of Health (SDOH) are the conditions in the environments where people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality of life. Figure 1 show the five areas of SDOH.⁶

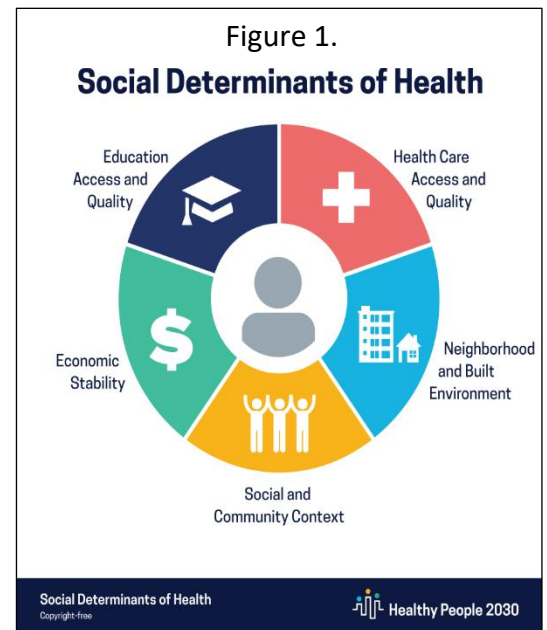
⁴ Juvenile Justice Task Force. (Feb. 9, 2023). Final Report and Recommendations <https://www.iowacourts.gov/collections/778/files/1722/embedDocument/>

⁵ Blitzman, Jay. (Oct. 12, 2021). Shutting Down the School-to-Prison Pipeline. *Human Rights Magazine*. American Bar Association. 47:1. https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/empowering-youth-at-risk/shutting-down-the-school-to-prison-pipeline/

⁶ Healthy People 2030. Social Determinants of Health. <https://health.gov/healthypeople/priority-areas/social-determinants-health>

Many years of research have shown that people who experience poorer conditions in the determinants of health suffer more employment, health, behavioral, and criminal consequences. People of color experience poorer conditions than white people and suffer more employment, health, behavioral, and criminal consequences. Adverse Childhood Experiences (ACEs) are potentially traumatic experiences in youth that can greatly affect a child’s future violence victimization and perpetration and lifelong health and opportunity.⁷ ACEs may occur in families or neighborhoods where violence or drugs are common. Protective factors include safe communities and homes, and adequate nutritious food to eat.

Action: The JAB will investigate available data sources to learn more about the intersection of racial disparity, substance abuse, mental health, housing stability/instability, income, and ACEs in order to analyze that data and inform decision-making processes and recommended policies. CJJP will provide the JAB with a list of data sources and agencies that collect and analyze the data. Based on the findings, the JAB will make informed recommendations on improving racial justice in Iowa’s criminal justice system.



THREE-YEAR OBJECTIVE: Review & report on best practices that reduce excessive use of force

A number of national cases over the years resulting in violence and death by law enforcement against Black people have called for eliminating racial disparities in the use of force during policing. According to the National Institute of Justice,⁸ the “use” of force refers to the “amount of effort required by police to compel compliance by an unwilling subject.” There are no universal rules governing when force should be used and to what extent. The Supreme Court has ruled all police use of force is governed by a standard of reasonableness, such as the seriousness of the crime, whether the suspect is resisting or attempting to flee, and whether they pose a threat to officers’ or others’ safety (Graham v. Connor, 490 U.S. 386 (1989)). The use of deadly force violates the Fourth Amendment, unless the suspect poses a deadly threat or serious harm to police officers (Tennessee v. Garner, 471 U.S. 1 (1985)).⁹

In Iowa, a law passed in 2020 (HF 2647) amends and adds provisions relating to the certification, training, and prosecution of peace officers and the use of chokeholds. The law requires law enforcement officers to receive annual training in de-escalation and bias prevention; bans chokeholds with some exceptions; prevents the rehiring of police who were fired or quit because of misconduct; and allows the attorney general to prosecute officers whose actions result in death.¹⁰

Action: The JAB will examine current use of force policies in Iowa and identify the need for additional changes.

⁷ CDC. Violence Prevention. Adverse Childhood Experiences. <https://www.cdc.gov/violenceprevention/aces/index.html>

⁸ National Institute of Justice. (2020). Overview of Police Use of Force. <https://nij.ojp.gov/topics/articles/overview-police-use-force>

⁹Schwartz, M. (2020). How the Supreme Court Enables Police Excessive Force. New York Law Journal. <https://www.law.com/newyorklawjournal/2020/06/05/how-the-supreme-court-enables-police-excessive-force/?slreturn=20200913105821>

¹⁰ HF2647. <https://www.legis.iowa.gov/legislation/BillBook?ga=88&ba=hf2647>

Priority 2: Mental Health

The increasing number of individuals with mental health needs in the criminal justice system impose enormous financial, health, and human costs.¹¹ Data provided by the Bureau of Justice Statistics (BJS) indicate that about 44% of people in jails and 37% of people in state or federal prisons are diagnosed with some type of mental illness, relative to 20% of the general population.¹² Diverting individuals with mental health needs away from jails and prisons towards community-based mental health care presents a core component of national, state, and local strategies to provide appropriate services and decrease their criminal justice involvement. The JAB recognizes that mental illness is a problem in the criminal and juvenile justice system that needs solutions.

Table 2: Summary of Mental Health Priority

Priority 2: Mental Health
Objective 1: Examine the effectiveness of mental health treatment courts.
Action Item 1: Utilize diverse data sources to determine the effectiveness of mental health treatment courts, including cost-benefit analyses.
Objective 2: Conduct comprehensive needs assessment to identify mental health resources available to justice-involved individuals across the state.
Action Item 1: Examine available resources, gaps, and needs of mental health services in all communities.
Action Item 2: Examine national evidence-based programs for best practices to provide appropriate services for those with mental health needs.
Long-Term Action Item 3: Evaluate models of law enforcement and community mental health partnerships.
Objective 3: Identify and prioritize needed appropriate services in the criminal justice system to address mental health issues.
Action Item 1: Gather information from IDOC and local authorities on the provision of mental health services for justice-involved individuals.
Action Item 2: Identify methods, resources, and policies to ensure justice-involved individuals receive the medication needed during incarceration and upon release.
Action Item 3: Examine the SAFENET Rx to understand the potential advantages and limitations.
Action Item 4: Explore data sharing opportunities to understand if justice-involved individuals who are referred for mental health services then received those mental health services.

¹¹ State of Mental Health in America. <https://www.mhanational.org/issues/mental-health-and-criminal-justice-issues#Keep%20People%20Out%20of%20The%20Juvenile%20and%20Criminal%20Justice%20Systems>

¹² Addressing Mental Health and the Criminal Justice System. (maryville.edu)

Mental Health Implementation Activities

THREE-YEAR OBJECTIVE: Examine the effectiveness of mental health treatment courts

The JAB recognizes that the opportunity for intervention exists to ensure those with mental health needs are appropriately cared for. Mental health courts provide an alternative for individuals with mental health needs in place of more traditional court services.

Recommendation: The JAB proposes that the effectiveness of mental health treatment courts be examined, including cost-benefit analyses, by using multiple and diverse data sources.

CJJP will create an inventory of the existing data sources on mental health courts for individuals with mental health needs in Iowa. Mental health courts are designed to provide an alternative to jail for people with chronic mental health needs. The JAB members would like to understand if the people with mental health needs who go through the mental health courts and receive the intensive treatment are more successful in terms of a reduction in recidivism than individuals who do not have access to a mental health court.

The JAB members proposed examining the effectiveness of mental health courts by measuring:

- recidivism reduction
- uniformity of processes across different mental health courts
- availability of services
- types of mental health needs that are best addressed in the mental health courts
- characteristics of mental health courts' participants who were successful.

There are several types of treatment courts. For example, military veterans, family treatment, and substance use. These models will need to be studied to determine effectiveness.

THREE-YEAR OBJECTIVE: Conduct a comprehensive assessment to identify statewide mental health resources available to justice-involved individuals

Quality mental health services that respond to individuals' needs both before they get involved in the criminal justice system and after they are part of the system can be achieved over time through strategic planning. Proper identification (or diagnosis) of mental health needs could occur at any point in the sequential intercept model, but is best at the earlier stages so that individuals with mental health needs are recognized and given appropriate services and placements as soon as possible.

Recommendation: Examine available resources, gaps, and mental health services needs in all communities, examine national evidence-based programs for best practices to provide appropriate services for those with mental health needs, and evaluate models of law enforcement and community mental health partnerships.

Assessment of Mental Health Services Continuum

The first action item includes a comprehensive assessment to identify mental health resources, gaps, and needs for all populations in communities who are at risk entering the criminal justice system. This includes studying current and future mental health needs versus service capacity in Iowa.

Action: Explore the mental health services capacity, as well as variations in services offered and services needed across counties.

CJJP will contact the Department of Health and Human Services (HHS) mental health regions to gather information on the available resources.

Iowa has attempted to increase the use of mental health resources through its eight access centers.¹³ Although the access centers are valuable and have a great potential to become a central part of response to mental health issues among Iowans, many of these access centers are not well known. Iowa Code §331.397 established access centers in Iowa to provide short-term assistance to Iowans in crisis situations.¹⁴ The law states that centers should provide detoxification and crisis observation as well as stabilization services.¹⁵ Increased capacity and availability will allow those in need of these services to be triaged for treatment instead of entering the criminal justice system. It will be useful to analyze data on access centers' usage and effectiveness.

Other models from other states will be reviewed and studied. A literature review of the programs that provide services to individuals with mental health needs should be conducted to identify the best evidence-based programs and best practices to address mental health needs in the criminal justice system. The federal Substance Abuse and Mental Health Services Administration (SAMHSA) is committed to improving services for different mental and substance use disorders. Through their Evidence-Based Practices Resource Center, SAMHSA provides communities, policy makers and others with the tools to incorporate evidence-based practices into their communities.

Law Enforcement & Community Partnerships

A long-term action item will include evaluation of models of law enforcement and community mental health partnerships. Law enforcement and others who work at the “front-end” need access to tools or screeners to identify people who need mental health services. Similarly, screenings for drug users are needed to identify co-occurring disorders, where mental health is the primary driver of drug use. The efforts can incorporate a range of emerging responses typically categorized as involving a type of case management or care coordination as a formal alternative to incarceration. Some of these are focused on mental health, some on substance use, and some incorporate both.

Crisis Intervention Teams (CITs) and Crisis Response Teams (CRTs) are collaborative partnerships between law enforcement and community mental health providers. According to the National Alliance on Mental Illness (NAMI), these teams provide benefits to law enforcement by quickly and safely responding to situations, reducing arrests of people with mental illness, and providing appropriate services.¹⁶ The JAB will identify CITs and CRTs to establish the geographic availability in Iowa and review the effectiveness of these existing approaches.

The JAB is particularly interested in evaluating two models of law enforcement and community mental health partnerships:

- Marshalltown Police and Community Team (MPACT)
- Alternative Responses for Community Health (ARCH)

Marshalltown's MPACT started in January 2021. This program helps police identify and respond to situations that include mental health issues. Through a partnership between the Marshalltown Police Department and Youth and Shelter Services (YSS) of Marshall County, police have access to social workers (Community Advocates) to help resolve mental and behavioral health calls. This program connects individuals and families to community social services when the police receive calls and a

¹³ https://hhs.iowa.gov/sites/default/files/Access_Center_Map_9_2_22.pdf

¹⁴ <https://www.legis.iowa.gov/docs/code/331.397.pdf>

¹⁵ <https://www.thegazette.com/article/iowas-mental-health-access-centers-another-tool-to-help-those-in-crisis/>

¹⁶ U.S Department of Health & Human Services, Substance Abuse and Mental Health Services Administration. Crisis Intervention Team (CIT) Programs. [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs)

mental health crisis is identified. MPACT presented information about the program to the JAB in September 2021. The JAB is supportive of the models that are used as a strategy to address mental health needs and divert individuals to services instead of an arrest.

The City of Ames started a similar program in October 2022 called Alternative Responses for Community Health (ARCH). The goal of the program is to help people in crisis get the help they need, whether it be a mental health crisis, homelessness, or food insecurity. The program was started by Mary Greeley Medical Center, Ames Police Department and Iowa State University Police Department. People in need will call 911, and dispatch staff will determine whether an officer is best suited to respond to that call or if the ARCH team should be sent. The ARCH team consists of a paramedic and a social worker. Currently, the program operates 40 hours per week.

CJJP has received federal funding from the Bureau of Justice Statistics, Department of Justice for Statistical Analysis Centers (SAC), to conduct a process and outcome evaluation of these two Iowa programs, MPACT and ARCH, along with a cost-benefit analysis to examine the effectiveness of these models. The evaluation, along with the analysis of previous survey data, will provide insight with potential recommendations on how to implement successful partnerships between law enforcement and community mental health services. Preliminary results will be available in December 2024 and shared with the JAB.

The CJJP will also expand on a survey of law enforcement agencies that was conducted in March 2022. The survey asked agencies about the frequency of mental health calls, existing response strategies they use, training on crisis intervention, partnerships with mental health providers, and the need for additional resources. 46.4% of Iowa's law enforcement agencies (174/375) completed the survey. The survey found that 66.1% of those agencies completing the survey reported responding to calls when someone is often, very often, or always in a mental health crisis. There were many differences in the ways law enforcement responds to and handles mental health crises across the state. While some agencies report utilizing Crisis Intervention/Mobile Response Teams (24.4%), the vast majority reported that they often, very often, or always deal with the person in crisis themselves and/or transport to the hospital (54% and 71%, respectively). CJJP will seek additional information from law enforcement agencies and analyze the results to assess the need and type of services needed.

It will require concerted efforts to obtain information on some of the items identified above and assistance from several state partners to collect data on mental health. There are several state partners that may be able to assist in collecting data on mental health, including the Iowa Department of Corrections (IDOC), the Iowa Department of Health and Human Services (HHS), the Iowa Behavioral Health Association, and county public health departments.

THREE-YEAR OBJECTIVE: Identify and prioritize needed appropriate services in the criminal justice system to address mental health issues

Mental Health Services while Incarcerated

The JAB members have an interest in investigating existing mental health services in prisons and jail, along with models for provision of services to address mental health needs. The IDOC will be asked to present information to the JAB on types of mental health services in prison. It is the policy of the IDOC to provide mental health services for incarcerated individuals and have procedures in place to ensure that incarcerated individuals are placed in an appropriate level of care/housing. Every incarcerated individual

in IDOC receives a physical and psychological assessment and a treatment plan is generated. Each institution develops procedures which facilitate the provision of necessary mental health services.¹⁷ Based on the information from IDOC, the JAB and CJP research team could further examine IDOC current policies and procedures to ensure incarcerated individuals' mental health needs are addressed appropriately.

Current research activities include CJP partnering with the IDOC, the Urban Institute, and Arnold Ventures on the Prison Research and Innovation Network (PRIN). The purpose of the PRIN is not only to better understand prison environments, but also to design, implement, and evaluate evidence-based programs and policies to improve conditions for individuals incarcerated and working in prisons. This is a five-year project, and 2023 is the fourth year of the project.¹⁸ Upon completion, the CJP research team will develop public-facing reports, briefs, and press releases to communicate the findings of the project.

Medications & SafeNet Rx

An important part of mental health care is receiving and taking medication to manage the illness and/or symptoms.

Recommendation: Identify methods, resources, and policies to ensure justice-involved individuals receive the medication needed during incarceration and upon release.

Incarcerated individuals released from IDOC institutions are provided a short supply of medication, which can be extended if applicable through a partnership with SafeNet Rx. IDOC policy states:

“All patients leaving the institution for discharge of sentence, parole, parole furlough, shock probation, work release, OWI facilities, residential care facilities, etc., will be given an appropriate supply of medication, as determined by the IDOC's licensed medical practitioners, not to exceed a 30-day supply. If specified, the patient's prescription information may also include instructions on how to have 2 additional refills, good for 90 days from the patient's date of release, transferred to a community pharmacy of the patient's choosing. Mental health medications may be obtained at no cost from the SafeNet Rx pharmacy; all other medications must be paid for by the patient. If the medication order expires prior to 30 days from the date of departure, the quantity of medication dispensed will be sufficient to last until the expiration date of the medication order. Prescriptions for controlled substances will not be transferrable or refillable.”¹⁹

Medications can be covered by Medicaid for those who are eligible. “Medicaid is a combined state and federal program that provides health coverage to people with low income, including those who are unable to work because of a mental health disability.”²⁰ SafeNet Rx was established in 2001 as an Iowa-based non-profit to provide affordable medicine to those in need. In 2007, SafeNet Rx pioneered the

¹⁷ Additional information on IDOC Policy on the provision of mental health services: [Identified mental health levels of care.pdf](#)

¹⁸ More information about steps taken in the first two years of the PRIN project can be found in previous JAB reports.

¹⁹ State of Iowa Department of Corrections, Policy and Procedures, Chapter 6 Health Services, HSP-504. https://doc.iowa.gov/sites/default/files/hsp-504_exit_health_consultation_0.pdf

²⁰ Resources to Recover. Mental Health Resources in Iowa. <https://www.rtor.org/directory/mental-health-resources-in-iowa/>

Drug Donation Repository model to collect, inspect, and distribute unused medicine. According to the data provided by the SafeNet Rx, 40% of adults in the United States did not fill a needed prescription due to a cost.²¹ The SafeNet Rx serve individuals who are unable to afford their prescribed medication regardless of the insurance status with an annual household income at or below 200% of the Federal Poverty Level.

Gathering additional information from SafeNet Rx, via a presentation to the JAB, will be helpful in providing information on the potential advantages and limitations. This information will provide a better understanding of the resources that exist to appropriately address mental health needs for individuals in the criminal justice system.

Referral-to-Follow-Through

The JAB is also interested in understanding how many justice-involved individuals who are referred for mental health services actually follow-up and receive those services. The JAB proposed creating a pilot project with large Iowa counties (e.g. Polk, Black Hawk) to explore data sharing opportunities. CJJP can partner and collaborate with IDOC to better understand if the justice-involved individuals who received a referral for mental health services actually received those services. The data sharing opportunity will allow CJJP to examine the types of services provided, as well as the length of service provision for justice-involved individuals. This would allow for better understanding of an individual's ability to pursue and receive mental health treatment in the community, and whether or not that treatment had an impact on recidivism.

²¹ <https://safenetrx.org/>

Priority 3: Community-Based Corrections (CBC) And Alternatives to Incarceration

The United States continues to have the highest incarceration rate in the world despite decades of decreasing crime rates. In Iowa, the increasing prison population in the early 1990s sparked the development of the Prison Population Forecast by CJPJ and subsequent annual releases of the report because of sustained overcrowding. The JAB supports efforts to limit the reliance on incarceration without compromising public safety. The board has identified community-based corrections (CBC) and alternatives to incarceration as a priority. Two objectives are stated in the JAB’s Three-Year Plan:

- 1) Identify and examine effective Iowa Department of Corrections policies throughout the state to reduce incarceration and develop more consistency/standardization across districts.
- 2) Increase the use of effective treatment courts throughout the state.

Table 3: Summary of Community-based Corrections and Alternatives to Incarceration

Priority Three: Community-Based Corrections & Alternatives to Incarceration
Objective 1: Identify and examine effective Iowa Department of Corrections policies throughout the state to reduce incarceration and develop more consistency/standardization across districts.
Action Item 1: Identify ways to implement alternative methods such as transformative or restorative justice.
Action Item 2: Collect and analyze data about revocations to identify when they occur to better understand their effectiveness in preventing new crimes.
Action Item 3: Evaluate risk assessments to determine if there is racial bias and their effectiveness.
Action Item 4: Examine other states’ early release from probation incentives.
Action Item 5: Incentivize corporate, government, and nonprofit entities to financially support providers of wrap-around services.
Action Item 6: Provide resources for community, faith-based organizations and residential treatment facilities across the state to provide delivery of wrap-around services.
Action Item 7: Enact legislation to enhance employment opportunities for current and former justice-involved individuals.
Action Item 8: Identify the availability and success of workforce development and educational opportunities in prisons.
Long-Term Action Item 9: Encourage academic partnerships for upscaling education opportunities.
Objective 2: Increase the use of effective treatment courts throughout the state.
Action Item 1: Study different models of treatment courts to examine effectiveness.
Long-Term Action Item 2: Examine mental health and substance abuse treatment available to justice-involved individuals across the state.

Community-Based Corrections and Alternatives to Incarceration Implementation Activities

THREE-YEAR OBJECTIVE: Identify and examine effective Iowa Department of Corrections policies throughout the state to reduce incarceration and develop more consistency/standardization across districts

This 2023 Three-Year Plan echoes the recommendations made by the Governor Reynolds's FOCUS Committee on Criminal Justice: *Reducing Recidivism Through Reentry (2019)*, such as:

- Create a comprehensive inventory of community programs, including formal and informal programs, that support reentering individuals.
- Create a value process map of reentry in the community where mandatory appointments are identified and streamlined.
- Create a competitive grant program to support and enhance the reentry efforts of nonprofits. The nonprofit sector and faith-based community play important roles in the reentry process - from supporting people after they are outside the jurisdiction of the correctional system, to helping individuals find a purpose and seek inner change while they are incarcerated.
- Realign Community Based Corrections (CBC) staffing to focus on treatment rather than supervision. CBCs should fully implement the risk assessment level system that has been developed, and should continue their shift toward realigning staffing plans to more appropriately match supervision and treatment needs based upon risk levels. The state should provide funding for community treatment coordinators to incentivize full implementation of staff realignment. The state should also provide additional training for the Board of Parole and the judiciary on the risk assessment level system and appropriate conditions.

Reducing admissions to prison due to revocations is one avenue to reduce the prison population. The FY2022 Prison Population Forecast reported Iowa's prisons were 17.7% overcapacity. The report notes that between FY 2013 to 2022 the number of parole-returns to prison decreased by 23.4%, which is attributable in part to policies implemented by the IDOC to rigorously review cases and consider alternatives before issuing a revocation decision.²²

The JAB is particularly interested in interventions and programs that are successful in decreasing revocations to prison while keeping the public safe. CJJP staff will work with IDOC staff to collect and analyze data surrounding revocations, along with evaluating risk assessments. CJJP staff will also conduct a literature review to examine other states' early release from probation incentives within the first year of the JAB plan. Additionally, the JAB will examine opportunities for community-based organizations to provide support for wrap-around services for justice-involved individuals.

Skill Building in Correctional Institutions

Multiple skill building programs are available to incarcerated individuals to assist individuals obtain employment. The JAB is interested in examining interventions and programs (among other educational opportunities) demonstrated to be successful in decreasing prison revocations.

²² TenNapel, M., & Yates, C. (2022). Iowa Prison-Population Forecast FY 2022 - FY 2032.

Action: CJJP is partnering with IDOC to conduct evaluations on the following programs:

- Apprenticeships – CJJP is completing an evaluation on prison-based apprenticeship programs through the IDOC to assist individuals to prepare for their return to the community. The initial study examined 1,414 individuals who enrolled in the IDOC apprenticeship programs.²³ The goal is to assist IDOC in identifying who may benefit from apprenticeship programs and help eliminate the barriers that keep some incarcerated individuals from completing and/or enrolling. The research team will use participatory action research with incarcerated individuals to gather feedback on apprenticeship and workforce programs. Additional research sessions have been planned for winter and spring 2024 with a report forthcoming after data analysis.
- Iowa Prison Industries Programs (IPI) – IPI provides work training for incarcerated individuals under IDOC supervision. It is 100% self-funded through the sales of the products and services. It offers three different programs: Traditional Industries (produces goods for government agencies, schools, and non-profits), Farms (farm products), and Private Sector (partnerships with private companies). Specific trades offered within these programs are welding, assembly, painting, packaging, metal products, textiles, sewing, cargo trailers, federal surplus, moving and installation, chairs, modular systems, textiles, among others.
- Tech2 Connect - The evaluation of the Tech2 Connect programming will assess the impact of the program on successful re-entry among individuals who participated in the program. It will provide information on whether a reduction in recidivism has been achieved, so that the evidence-based programming can be expanded. Tech2 Connect provides interventions for high-risk individuals, enhancing treatment volume by increasing the number of individuals who receive evidence-based cognitive treatment and the dosage of programming received. Research demonstrates that the post-release outcomes are enhanced when programming is provided at the proper dosage based on risk and need.
- Second Chance Pell program – CJJP is conducting the process and outcome evaluation of the Second Chance Pell program. The project is coordinated between the Iowa Department of Education (DOE), IDOC, the Iowa Workforce Development (IWD), and CJJP. The Second Chance Pell Experiment Sites Initiative was established in 2015 and provides need-based Pell Grants to incarcerated individuals to allow participation in eligible post-secondary programs. Data collected throughout the project will be analyzed to determine if the post-secondary education provided in correctional institutions has an effect on job readiness, ability to secure employment upon release, employment retention, income levels, and recidivism.

These evaluations will determine the success of the programs and will help IDOC expand successful programs and eliminate or strengthen less successful programs.

²³ TenNapel, M., & Jahic, I. (2022). An Evaluation of the Iowa Department of Corrections Apprenticeship Programs. <https://humanrights.iowa.gov/sites/default/files/media/2022%20-%20An%20Evaluation%20of%20the%20Iowa%20Department%20of%20Corrections%20Apprenticeship%20Programs.pdf>

THREE-YEAR OBJECTIVE: Increase the use of effective treatment courts

Treatment courts seek to divert individuals with substance abuse or other issues from prison or jail into treatment. It is widely held that these courts can be effective and cost efficient.²⁴ In 2018, Iowa had nearly 40 specialty treatment courts across the state focusing on adult drug and/or “operating while intoxicated” (OWI), juvenile drug, mental health, family, and veterans. As previously discussed in the mental health priority section, mental health courts are a type of specialty court, which will be further investigated by the JAB.

Table 4. Number and Type of Iowa Specialty Treatment Courts in 2021²⁵

Court Type	N
Family Treatment Court	12
Adult Criminal Drug Court	12
Juvenile Drug Court	5
Mental Health Court	4
Adult Hybrid OWI/Drug Court	3
Veterans Treatment Court	1
Total	37

The JAB will monitor the use of specialty treatment courts in Iowa and will analyze any data on the matter provided by the Judicial Branch. In addition, CJJP staff will work with the Iowa Department of Health & Human Services staff in order to obtain additional information about mental health and substance abuse treatment that is available across the state for justice-involved individuals.

²⁴ National Center for State Courts (2018). *The State of Specialty Treatment Courts in Iowa: Opportunities for Enhancement and Suggestions for Research*. p. 15. <https://www.legis.iowa.gov/docs/publications/DF/1033936.pdf>

²⁵ Data provided by Eric Howard, Statewide Problem Solving Court Coordinator, via e-mail on June 15, 2021.

Priority 4: Sex Crimes

Sex offenses are serious crimes that can have long-term effects on victims. The Center for Disease Control and Prevention (CDC) reports nearly one in five women and one in 38 men have experienced completed or attempted rape during their lifetime.²⁶

The JAB has identified sex crimes as a priority and is committed to take actions to achieve three objectives:

- 1) Support survivors and victims.
- 2) Analyze sex offender data, including the special sentence and sex offender residency restrictions.
- 3) Advocate for appropriate legislation and policies.

Table 5: Summary of Sex Crimes Priority

Priority Four: Sex Crimes
Objective 1: Support survivors/victims.
Action Item 1: Examine victim/perpetrator overlap.
Long-Term Action Item 2: Collaborate with the Iowa Victim Assistance Section (VAS) and other victim service organizations to study the effectiveness of services to support victims.
Objective 2: Conduct further analysis on sex offender data.
Action Item 1: Examine practical consequences of residency restrictions (including 2,000-foot rule).
Action item 2: Review existing data on recidivism of sex offenders to investigate chronic offenders and crime types.
Objective 3: Advocate for evidence-based legislation and policies regarding sex crimes.
Action Item 1: Understand the history of previous boards and committees focused on sex crimes.
Action Item 2: Connect and collaborate with current organizations working with sex crimes to learn more about their work.

²⁶ Center for Disease Control and Prevention. Injury Prevention & Control.
<https://www.cdc.gov/injury/features/sexual-violence/index.html>

Sex Crimes Implementation Activities

THREE-YEAR OBJECTIVE: Support survivors & victims

First and foremost, the JAB is committed to supporting the survivors and victims of sex crimes. Sex crimes are by nature committed against people. There are at least as many victims and survivors as there are sex crimes. Considering the countless other “hidden” sex crimes that occurred but not yet reported, there are countless more victims who are unknown. The JAB will examine the victim/perpetrator overlap and develop a long-term collaboration with the Iowa Victim Assistance Section (VAS) and other victim service organizations to study the effectiveness of services to support victims.

It is generally accepted that many sex offenders were at one time victims. There is value in understanding the personal history of sex offenders to identify whether those who perpetrate sex crimes were previously victims of sex crimes themselves. This is a topic that has not previously been studied by the JAB, but could inform them on learned (cyclical) patterns of sex offending and how that impacts sex offending. It could also provide more insight on the characteristics of sex offenders and why they commit crimes.

Another action item will include the ongoing study of the efficacy of practices and programs for victims offered by the Iowa Office of the Attorney General’s Victim Assistance Section (VAS), the Iowa Coalition Against Sexual Assault (Iowa CASA), and identifying and studying the effectiveness of other entities in communities that support victims.

THREE-YEAR OBJECTIVE: Conduct further analysis of sex offender data

Action: Review and examine existing sex crimes data regarding practical consequences of residency restrictions for certain offenses (e.g. the 2,000-foot rule) and reviewing data on recidivism of sex offenders to better understand chronic offenders and crime types.

The 2000-foot Rule

Offenders who committed aggravated offenses against minors are subject to the 2,000-foot rule, and must reside more than 2,000 feet from a school or childcare facility. Generally, they cannot be present at childcare facilities or on school grounds. Sex offenders convicted of a sex offense against a minor cannot loiter within three hundred feet of a school, child care facility, public library, or other places intended for children. Sex offenders convicted of a sex offense against a minor cannot be employed at fairs, carnivals, arcades, amusement parks, pools, libraries, playgrounds, or food vending serving minors. They also cannot be employed at a facility providing services to dependent adults. There is limited data on the success of the 2,000-foot rule for reduced reoffending or as a protective factor. More research is needed to fully understand impact and consequences for sex offenders and the public.

CJJP is currently studying the residency of sex offenders placed on the registry. Of interest is whether sex offender registration and notification policies have reduced recidivism (any new conviction, felony conviction, prison return, etc.), and particularly, whether it has deterred new sexual offenses. Also, the study will identify the number of offenders who have violated residency requirements and if these offenders differed in any way from those who did not violate residency requirements. Policies allowing for modification of registry requirements will be studied, as well as the costs of placing offenders on the registry. Housing issues due to having the 2,000-foot rule and the effectiveness of the 2,000-foot rule will be identified and explored. The study is expected to be completed in July 2024 and will be shared with the JAB and other relevant government boards and stakeholders.

Types of Sex Offenses

Action: Review existing data examining the recidivism rates among chronic sex offenders and those convicted of certain types of sex offenses.

Policies are applied broadly to sex offenders even though they are a dissimilar group of people with different victims and crimes. Comparing their differences could provide insight into who is at the most public safety risk and who should be given second chances. The JAB is interested in studying the likelihood of recidivism for the following factors:

- **Number of sex offenses.** Chronic sex offenders are those who have committed multiple sex offenses. Do chronic sex offenders have higher recidivism rates than one-time sex offenders?
- **Nature and type of the sex crime.** This analysis delves deeper into the crime itself, not just the class of the crime. For example, are people convicted of watching child pornography more or less likely to reoffend than those who commit lascivious acts against a child?
- **Age.** Further study is also needed to identify if the age of the victim and the perpetrator are associated with higher rates of recidivism. Are those who commit sex crimes against adults more or less likely to reoffend than those who commit sex crimes against children? Is a teenage offender who has sex with a 14-year-old girlfriend (sometimes described as a “Romeo and Juliet” offense), more or less likely to reoffend than an adult perpetrating a crime against a child?

CJJP recently completed a study of a representative group of special sentence sex offenders serving lifetime and 10-year special sentences.²⁷ The study concluded that community supervision is a good preventative measure to keep sex offenders from committing any new crime, sexual or not; however, more research and modifying needs to occur to the special sentence policy to ensure public safety goals are met. The study also provided recommendations for special sentence policy modification.

THREE-YEAR OBJECTIVE: Advocate for evidence-based legislation and policies regarding sex crimes

Since the early 2000s, the Iowa legislature has passed many laws and policies to restrict sex offenders and protect the public. Some of these policies have been the result of federal mandates, such as the sex offender registry. Others are unique to Iowa, such as the special sentence. Most of these policies are broadly applied and very restrictive.

Action: In order to advocate for evidence-based legislation and policies, review and study the impact of the laws and the effects they have had on victims, offenders, and the public. This will include a review of the history of previous boards and committees’ recommendations related to sex crimes and circumstances surrounding sex crime legislation.

The JAB is the successor of two previous committees that studied sex offenders: The Sex Offender Research Council (SORC) and the Public Safety Advisory Board (PSAB). In 2020, these committees disbanded and merged into the JAB when legislation was passed to combine state boards having shared interests and goals. Studying the work of former boards and committees will help guide and inform the current work of the JAB regarding sex offenders. The SORC and PSAB made recommendations to modify Iowa’s special sentence, based on CJJP’s research. The recommendations included allowing the courts to have discretion to determine if an offender could be removed from special sentence supervision based on an evidentiary hearing.²⁸ To date, no changes have been made in the law. All sex offenders are

²⁷ Yates, C. (July 2023). “Updated Analysis of Iowa’s Sex Offender Special Sentence Supervision Policy.” Iowa Department of Health and Human Services (IHHS), Criminal and Juvenile Justice Planning (CJJP).

²⁸ Ibid.

required to have special sentence supervision without an opportunity for modification of time served on the special sentence. According to Iowa law, offenders convicted of A, B, and C felony sex offenses are placed on lifetime community supervision while those with D felony, serious misdemeanor, and aggravated misdemeanor convictions are placed on 10-year supervision.²⁹

Action: The JAB will connect and collaborate with current organizations working with sex crimes to learn more about their work. Organizations currently working with victims of sex crimes and offenders can provide insight regarding services, successful cases and programs, and gaps in the system. Two programs have already been identified to tap for information. Impact Justice is an organization that is currently working on restorative justice. The group’s “Restorative Justice Project” partners with communities across the nation on pilot projects, including pre-charge diversion and provides training and technical assistance. More information on the core elements of their restorative justice model, current projects, and resources they provide shall be presented to the JAB. The Iowa Board for Treatment of Sex Abusers (IBTSA) is a state council currently tasked with providing training on sex offender supervision, treatment, and assessment for treatment providers. The JAB would like more information on IBTSA’s work, how it intersects with the JAB’s work, and opportunities for collaboration. The CJP Research Coordinator is a board member of this organization and will provide updates to the JAB concerning IBTSA’s work.

Action: The JAB will make evidence-based recommendations for sex offender policy that is based on data. Laws should protect public safety, acknowledge victims, provide appropriate penalties, while also considering the lives of sex offenders. Laws and penalties should better address nuances in cases and allow for consideration of the differences in sex crimes, rather than being broadly applied. The legislature should consider reviewing all policies related to sex offenders, how they are currently being applied, their effectiveness in protecting the public, and any unintended consequences that have arisen as a result.

²⁹ Iowa Code Chapter 903B <https://www.legis.iowa.gov/docs/ico/chapter/903B.pdf>

Priority 5: Equal Access to Justice

The JAB is adding a fifth priority area for this plan called “Equal Access to Justice.” This priority area encompasses a wide range of issues that most affect disadvantaged Iowans and contribute to inequalities in Iowa’s justice system.

Two current issues that affect equal access to justice include the ability to make cash bail and financial access to quality legal representation. These problems disproportionately affect poor Iowans, and addressing them will improve outcomes for all Iowans. As a new priority area, Equal Access to Justice will require investigation and research to ensure the JAB’s recommendations are evidence-based.

The board is committed to take actions to achieve three objectives:

- 1) Improve bail and pre-trial jail policies
- 2) Improve equal access to justice in criminal court proceedings
- 3) Enact JJAC’s recommendations to ensure youth are tried in developmentally appropriate courts.

Table 6: Summary of Equal Access to Justice Priority

Priority 5: Equal Access to Justice
Objective 1: Improve bail and pre-trial jail policies
Action Item 1: Create an inventory for pre-arrest diversion programs in Iowa and document their effectiveness.
Action Item 2: Evaluate impact of court fees, fines, bail and other costs associated with the legal process on both the State of Iowa and the individuals going through the legal system.
Action Item 3: Evaluate the effectiveness of other state’s bail and pre-jail policies.
Objective 2: Improve equal access to justice in criminal court proceedings
Action Item 1: Evaluate the use of prosecutorial discretion.
Action Item 2: Ensure all Iowans have access to quality legal defense.
Action Item 3: Ensure developmentally appropriate court resources are provided to Iowans with intellectual disabilities.
Action Item 4: Ensure appropriate court resources are provided to Iowans for whom English is not a first language.

Equal Access to Justice Implementation Activities

THREE-YEAR OBJECTIVE: Improve bail and pre-trial jail policies

The JAB recognizes that opportunities exist to work toward equal justice even before entrance into the court system. The board would like to take an initial step in gathering more information and collecting and analyzing data on processes that affect both adults and juveniles.

Pre-Arrest Diversion Programs

Action: The JAB will identify all of the pre-arrest diversion (PCD) programs in the state in order to assess service gaps and determine the need for more resources, and to evaluate whether the existing diversion programs are effective in keeping low-level offenders, out of Iowa’s justice system. The review of PCD programs will gauge if there are any racial or socio-economic inequities in the PCDs.

CJJP is currently collecting data on pre-arrest and pre-trial diversion programs in Iowa and will build on this effort during the next three years in the JAB plan. In October 2021, CJJP received a five-year grant with \$1.542 million in delinquency prevention grant funds from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, and an additional \$52,000 match from the Juvenile Justice Advisory Council. The purpose of this funding is to expand the availability of youth-focused (under age 18) pre-charge diversion (PCD) programs across Iowa through competitive sub-grants to local units of government to expand pre-charge diversion efforts.

CJJP analyzed data from PCD programs in six judicial districts and found that youth involved in PCD programs had lower recidivism than youth who went into the juvenile justice system (11.4% vs. 29.5% recidivism) for the same allegation. In addition, PCD programs reduce the disproportionate minority contact with the juvenile justice system, as is evidenced by 60% of the youth involved in Iowa's PCD programs are non-white versus 40% who are white.³⁰ An Iowa pre-charge diversion toolkit was created in 2019, which provides evidence-based approaches to creating PCD programs. Other PCD program efforts include the Office of Drug Control Policy that implemented a pre-arrest and pre-trial diversion program for low-level drug offenders in three Iowa counties between 2019 and 2023 supported by a federal grant. CJJP serves as the contracted evaluator and is currently working with the counties to collect data on program participants. In addition, Iowa's Juvenile Justice Advisory Council's Disproportionate Minority Contact (DMC) Subcommittee has provided technical assistance to communities to initiate pre-charge diversion programs for juveniles.

Bail, Bonds, & Fees

Action: The JAB will investigate bonds and pre-trial release data. Research on these topics is sparse and outdated, but data is believed to be available. The Bureau of Justice Statistics' most recent update of its *Survey of Inmates in Local Jails* was in 2020. This is an annual survey administered to a sample of 950 jails nationwide to estimate the number of inmates confined, demographics, criminal status, holds, admissions and releases, capacity, and number of jail employees. CJJP has jail data for CY 2019 - CY 2021, but needs to further examine data quality issues. The JAB supports efforts to analyze this data to evaluate effectiveness, uniformity and standardization.

Action: The JAB will analyze the use of cash bail and pretrial detention in Iowa to determine if these practices result in the unjust detainment of individuals who cannot afford bail, leading to disparities in the pretrial population. According to the Vera Institute of Justice, in 2015 roughly two thirds of population in local jails were being detained pretrial.³¹ Pretrial detention for individuals who cannot afford bail can lead to job loss, disrupted family life, and an increased likelihood of accepting plea deals to secure release. Even if a person is found innocent, they may still be left with court fines and fees that they cannot afford. Between 2014 and 2019 in Iowa, over \$15 million was assessed in criminal cases where all charges were dismissed. Often poor people owe more for dismissals than if they are convicted, due to defense reimbursement fees.^{32,33}

Action: The JAB will evaluate the effectiveness of bail and pre-jail policies of other states. Several states have enacted bail and pre-jail policy reforms including New Jersey, New Mexico, Texas, New York, California, and Kentucky. Illinois has recently eliminated all cash bail for pretrial release. In March 2017,

³⁰ Iowa Department of Human Rights, Criminal & Juvenile Justice Planning. Iowa Pre-Diversion Programs, 2015-2022. <https://humanrights.iowa.gov/sites/default/files/media/PCD%20Summary%20SFY2015-2022.pdf>

³¹ Vera Institute of Justice. *Justice Denies: The Harmful and Lasting Effects of Pretrial Detention*.

<https://www.vera.org/publications/for-the-record-justice-denied-pretrial-detention>

³² League of Women Voters of Iowa. *Bringing Economic Justice to the Justice System*.

³³ Alex Kornya, Litigation Director & General Counsel. (October, 2022). *Ability-to-Pay: Case Law, Analogs, and Calculators*. PowerPoint presentation.

a study of Texas’s pretrial practices showed that a validated pretrial risk assessment successfully predicts defendants’ chance of bond failure. Furthermore, pretrial release through personal bond is supported by evidence that when personal bond is automatic for low-risk individuals, financial ability is effectively removed as an obstacle to release.³⁴

THREE-YEAR OBJECTIVE: Improve equal access to justice in criminal court

Prosecutorial Discretion

Prosecutorial discretion is the power of prosecutors to decide whether to pursue charges against an individual, and this power can extend to plea bargaining and recommendations regarding sentencing decisions. This is an area of the criminal justice system that nationally is beginning to be studied more. In the fall of 2022, Arnold Ventures funded \$7.4 million for research projects with prosecutors’ offices across the country. The goal of this research is to understand the effects of prosecutorial decision making on a variety of topics including outcomes from recommendations about bail. CJJP will collaborate with county attorney offices to collect data on prosecution practices.

Navigating Iowa's Legal System

Recommendation: Ensure all Iowans have access to quality legal representation. The first step of this process will be to evaluate the availability and quality of legal representation for Iowans who cannot afford private counsel. This includes assessing the caseloads of public defenders, the presence of legal aid organizations, and the effectiveness of these services in ensuring that all individuals receive competent legal representation.³⁵ Additionally, CJJP will assess the effect that public defender fees have on those who are appointed public defenders.

Recommendation: Ensure appropriate resources are available to all Iowans, including those with intellectual disabilities and those for whom English is a second language. It is estimated that 11% of Iowans have a cognitive disability defined as “serious difficulty concentrating, remembering, or making decisions.”³⁶ In 2019, 8.9% of Iowans over the age of five did not speak English at home. Legal proceedings should be transparent and accessible to all, with plain language, and accommodations for individuals with disabilities or language barriers.³⁷ This ensures people can fully participate in their own defense and understand the criminal justice process. CJJP will review the resources currently available to justice-involved Iowans with intellectual disabilities or language barriers, and whether they are sufficient.

Juvenile Justice Priorities and Goals

The JAB has selected the existing Juvenile Justice Advisory Council (JJAC) to serve as the juvenile justice system subcommittee, required by §216A.137.2. The JJAC completes a three-year juvenile justice plan, which is submitted to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The JJAC is currently in the third year of their current plan and are in the process of developing a new plan. The Juvenile Justice priorities in this report reflect those from the JJAC 3-year plan found at <https://hhs.iowa.gov/media/9434/download?inline>.

³⁴ Texas A&M University Public Policy Research Institute. Liberty and Justice: Pretrial Practices in Texas. https://ppri.tamu.edu/wp-content/uploads/2021/11/170308_bond-study-report.pdf

³⁵ National Legal Aid & Defender Association. *At What Cost? Findings from an Examination into the Imposition of Public Defense System Fees*. https://www.nlada.org/sites/default/files/NLADA_At_What_Cost.pdf

³⁶ CDC. *Disability & Health U.S. State Profile Data for Iowa (Adults 18+ years of age)*. <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/iowa.html>

³⁷ United States Census Bureau. *American Community Survey Report: Language Use in the United States 2019*. <https://www.census.gov/content/dam/Census/library/publications/2022/acs/acs-50.pdf>

Table 7. Summary of Juvenile Justice Advisory Council Three-Year Plan, 2022-2024

Juvenile Justice Advisory Council Three-Year Plan, 2022-2024
Priority 1: Prevention & Intervention
Goal 1: Identify, inventory, and study prevention programs for youth who are not involved in the juvenile justice system that are effective, with the goal to further their success.
Goal 2: Expand early intervention and Pre-Charge Diversion (PCD) programs. The Disproportionate Minority Contact (DMC) Subcommittee of the JJAC has assisted in developing PCD in three communities, with favorable outcomes.
Priority 2: Mental Health
Goal 1: Determine the need for mental health, substance abuse, and family therapy services for juvenile offenders.
Goal 2: Collect data to analyze ongoing needs for services and to measure success.
Priority 3: Transition of Youth
Goal 1: For juveniles involved in the juvenile court system, allow the court to extend jurisdiction up to the age of 21.
Goal 2: Study effective community-based and residential rehabilitative models to provide the appropriate level of care for moderate and high-risk offenders, up to the age of 21.
Goal 3: Do not allow juvenile offenders to be waived to adult court except for youth alleged to committing felony offenses.
Goal 4: Standardize juvenile reentry best practices.
Priority 4: Female Equity
Goal 1: To ensure that a female and racial equity lens is intentionally used in all areas, train the JJAC and service providers on female and racial equity.
Goal 2: Provide an adequate level of care for high-risk girls in the juvenile justice system.
Priority 5: Disproportionate Minority Contact
Goal 1: Minimize system contact for low-risk youth of color by developing formal state-wide diversion opportunities at early juvenile justice system processing.
Goal 2: Formalize collaboration with Iowa Task Force for Young Women.
Goal 3: Investigate issues regarding refugee and immigrant youth with the intent of informing and educating juvenile court officers and judges.
Goal 4: Research and affect change for high-risk youth of color eligible for State Training School (STS) placement according to Iowa Code Section 232.52 (2).

Currently, the JJAC is developing the three-year plan for juvenile justice for federal fiscal years 2025-2027. The new three-year plan will be completed by May 2024. The JJAC will present the juvenile justice priorities to the JAB, for approval and adoption by the JAB and will become part of this three-year plan.