



IOWA BOARD OF CORRECTIONS AGENDA
TUESDAY, November 22, 2011
11:00 a.m.

Iowa Department of Corrections
Central Office
510 East 12th Street
Des Moines, Iowa 50319
515.725.5708

TOPIC	PRESENTER
Call to Order <ul style="list-style-type: none"> Opening Remarks Next Board meeting will be February 2, 2012 Corrections Central Office, 510 East 12th Street, Des Moines (A meeting notice will be posted on the DOC website: www.doc.state.ia.us) 	Chair David Erickson
Director's Comments	John Baldwin
Legislation Approval (Action Item)	Fred Scaletta
Open Discussion	Board Members
Adjournment	Board Members

Note: Board members will participate by teleconference call. Members of the media, public or other interested parties may attend at the Department of Corrections, Central Office located at the corner of East 11th and Des Moines Streets in Des Moines (address above).

The Board of Corrections' agenda is posted on the DOC Web Site at www.doc.state.ia.us under the Board of Corrections Tab.

The mission of the Iowa Department of Corrections is to:
Advance successful offender reentry to protect the public, staff and offenders from victimization.



IOWA BOARD OF CORRECTIONS Meeting Minutes TUESDAY, November 22, 2011

Iowa Department of Corrections
Central Office
510 East 12th Street
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Board Members Present: Chair David Erickson, Dr. John Chalstrom, Sheryl Griffith, Johnie Hammond, Nancy Turner

Absent: Charles Larson, Sr. and Rev. Michael Coleman

DOC Staff Present: Director Baldwin, Jerry Burt, Jerry Bartruff, Brad Hier, Kris Weitzell, Fred Scaletta, Sheryl Dahm, and Michael Savala

Visitors Present: Beth Lenstra, LSA; Marty Ryan, Justice Reform Consortium; Eleena Mitchell-Sadler, Ombudsman Office; Rod Boshart, CR Gazette ; Cathy Engel, Sen. Democrats; Anna Hyatt-Crozier, House Democrats; and Paul Stageberg, CJJP

Call to Order, Chair David Erickson

- Chair Erickson opened the meeting and asked for a roll call of board members.
- This meeting is being conducted via a conference call; Central Office staff and visitors are meeting at Central Office.
- Next Board meeting will be February 2, 2012 at Corrections Central Office, 510 East 12th Street, Des Moines.
(A meeting notice will be posted on the DOC website: www.doc.state.ia.us)

Director's Comments, Director Baldwin

- Director Baldwin attended a meeting in Kansas City on November 9 for all corrections directors sponsored by Association of State Correctional Administrators and PEW. The group spent the day working on how state agencies can do better with performance contracting. The group is putting together a workbook for other states to use on how to perform performance contracting in normal operations. For Iowa, this is an expansion on what we currently do.
- Bill Petroski, The Des Moines Register, asked for a tour of Anamosa State Penitentiary. The group spent a good amount of time with staff and offenders, took lots of photos, and asked both group lots of questions. The article will be printed soon.
- Peggy Burke, who is with the Center for Effective Public Policy, came to Central Office to work with the Reentry Workgroup to refocus on reentry and the recidivism rate.
- In honor of Veterans Day, Fred Scaletta organized a Veterans Ceremony in Van Meter and Director Baldwin attended. A former veteran and Iowan spoke to the group and it was a very moving event.
- The DHS mental health work group is continuing their efforts and it is hoped the number of mentally ill folks entering the prison system will decrease. All comments have been submitted to the group and they will go over each suggestion. Director Baldwin is very pleased with Chuck Palmer's efforts leading the group.

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- Jerry Burt and Director Baldwin attended an awards luncheon November 18 at Anamosa State Penitentiary.
- WISH (Women Inspiring Sobriety and Health) graduation at ICIW was November 21. Director Baldwin and Kris Weitzell represented Central Office and attended the graduation.
- Director Baldwin and three other state agency directors along with the Governor's staff are meeting to discuss options for sex offender placement that are court ordered to nursing facilities.
- Director Baldwin and Superintendent Mark Lund will be meeting with the Legislative Interim Committee to discuss geriatric and psychiatric offenders. There are a number of choices that will be discussed with the committee on possible placement of geriatric and severely mentally ill offenders.
- The Legislative Fiscal Committee has asked Director Baldwin to talk about a variety of topics on December 20. Director Baldwin is looking forward to that opportunity to talk about various cost impacts and various decisions we have made this fiscal year.
- The Governor's budget hearings are scheduled for December 15th. Corrections will be presenting tentatively at 10:30 – 11:00 a.m. Board members have attended in the past and Director Baldwin invited Board members to attend.
 - Chair Erickson asked Director Baldwin to send information to the board members regarding the meeting and location.
- Johnie Hammond asked about the other male sex offender at the Pomeroy Nursing Home and there has not been any decision made on his placement.

Legislation Approval (Action Item), Fred Scaletta

- Chair Erickson informed the Board members that the Office of Drug Control Policy has taken over the effort to amend the LSI-r and the Board of Corrections will not need to approve this change.
- After updating some of the Public Safety Advisory Board members following the recent Corrections Board Meeting, it was decided that the proposed legislative bill that would amend Iowa Codes 901.2 and 901.3 to include "Validated Risk Assessments approved by the Department of Corrections to include category and score" to a Pre-sentence Investigation Report will be filed on behalf of the Public Safety Advisory Board by the Office of Drug Control Policy.
- Changes that need the Board of Corrections' approval are listed below:

CHAPTER 804 - COMMENCEMENT OF ACTIONS — ARREST — DISPOSITIONS OF PRISONERS

804.29 Confidentiality.

All information filed with the court for the purpose of securing a warrant for an arrest, including but not limited to a citation and affidavits, shall be a confidential record until such time as a peace officer has made the arrest and has made the officer's return on the warrant. During the period of time that information is confidential, it shall be sealed by the court and the information contained therein shall not be disseminated to any person other than a peace officer, employee of a county attorney's office, magistrate, or another court employee or any employee of the department of corrections or a judicial district department of correctional services authorized by the director of the department of corrections, in the course of official duties.

EXPLANATION

When an offender is released from prison, as part of the release process, ICIS is checked for active warrants. If an offender has a warrant, the issuing county is notified so the offender can be picked up. Likewise, in community based corrections, all staff routinely check ICIS for warrants. In their responsibility to supervise and guide the offender to successful reentry, they continually must monitor an offender's behavior. Additionally, because of this new security in ICIS, if an offender has an open warrant it not only blocks the warrant information from view, but all ICIS information such as court

filings, financial information, future court dates and being able to identify the appointed defense attorney.

CHAPTER 709 - SEXUAL ABUSE

709.16 Sexual misconduct with offenders and juveniles.

1. An officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor a class "D" felony.

EXPLANATION

This bill relates to sexual misconduct committed by employees and agents of the department of corrections and judicial district department of correctional services. The bill increases the criminal penalty for an officer, employee, contractor, vendor, volunteer or agent of the department of corrections who engages in a sex act with an inmate committed to the custody of the department of corrections from an aggravated misdemeanor to a class "D" felony. The bill also increases the criminal penalty for such an act by an officer, employee or agent of a judicial district department of correctional services with a person in the custody of the judicial district from an aggravated misdemeanor to a class "D" felony. The bill does not increase the criminal penalties for sexual misconduct committed by the personnel or agents of a juvenile placement agency or county jail. The bill also does not modify the requirement that a person convicted of sexual misconduct shall register as a sex offender and is subject to a special sentence pursuant to Iowa Code section 903B.2. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but no more than \$6,250. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.

This bill has been previously submitted and numbered as HSB 152.

CHAPTER 904 – DEPARTMENT OF CORRECTIONS

904.513 Assignment of OWI violators to treatment facilities.

2. Upon request by the director, a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a program under this chapter, if space is available in the county. The department shall negotiate a reimbursement rate with each county. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. A county holding offenders in jail due to insufficient space in a community residential facility shall be reimbursed. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director. A voucher seeking payment shall be submitted within ~~fifteen~~ thirty-five days of the end of a calendar quarter. If a voucher seeking payment is not made within ~~fifteen~~ thirty-five days of the end of the calendar quarter, the request ~~may~~ shall be denied by the department.

CHAPTER 904 - DEPARTMENT OF CORRECTIONS

904.908 Alleged work release violators - temporary confinement by counties - reimbursement.

3. Any request for reimbursement under subsection 2 shall be made within ~~fifteen~~ thirty-five days of the end of a calendar quarter. If a request for reimbursement is not made within ~~fifteen~~ thirty-five days of the end of the calendar quarter, the request ~~may~~ shall be denied by the department.

CHAPTER 906 - PAROLES AND WORK RELEASE

906.17 Alleged parole violators - temporary confinement by counties - reimbursement.

3. Any request for reimbursement under subsection 2 shall be made within ~~fifteen~~ **thirty-five** days of the end of a calendar quarter. If a request for reimbursement is not made within ~~fifteen~~ **thirty-five** days of the end of the calendar quarter, the request ~~may~~ **shall** be denied by the department of corrections.

EXPLANATION

These code amendments at the request of the Department of Corrections and Department of Management will expedite and streamline the billing and payment process for reimbursement to county jails for auditing and budgeting purposes.

- Chair Erickson asked for motion to approve changes to the bills. A motion was made by Dr. Chalstrom and Nancy Turner seconded the motion. **Motion was approved** by all board members.

Open Discussion, Board Members

- Johnie Hammond shared her concern with Director Baldwin regarding the use of the LSI-r assessment tool and met with former legislators to discuss the subject. They explained that this would only be one thing that is looked at by judges and the judges will receive training. Johnie felt she has a better understanding of the assessment tool. Director Baldwin did express this is a good conversation to have and does feel that this is a valuable tool and would not be the only tool used.
- Eleena Mitchell-Sadler suggested the DOC agenda items be more detailed in nature and wanted a legal opinion on how the DOC meets the open meetings law.
- Chair Erickson asked Director Baldwin to send out the item on the budget to Board members.

Adjournment, Board Members

Sheryl Griffith made a motion to adjourn the meeting; Dr. Chalstrom seconded the motion. **Motion passed**; meeting adjourned.

Respectfully submitted,

Diana M. Billhorn

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