

**Criminal Justice Coordinating Council (CJCC)**  
**December 18, 2008 Minutes**  
**8:00 a.m.**  
**Room 6 / HyVee Hall**

Coordinating Council Members Present: Sheriff-Elect Bill McCarthy, Judge Arthur Gamble, Supervisor Tom Hockensmith, Sally Kreamer, John Sarcone, Valorie Wilson.

Absent: John F. Mauro, Dennis Anderson.

Others Present: Captain Donna Brooks (Sheriff's Office); Sue Elliott (BOS); Supervisors E.J. Giovannetti, Robert Brownell and Angela Connolly; Ron Olson and Bill Vaughn (BOS); Aaron Jaco (Altoona Herald Index); Dillon Kraft (Sheriff's Office); Mike O'Meara (County Attorney); Heath Osberg (Sheriff's Office); Jeff Riese (Polk DM Taxpayers); Nancy Robinson (Department of Corrections); Joe Simon (Sheriff's Office).

**I. Approval of the November 25th minutes.**

Moved by McCarthy, Seconded by Sarcone to approve the minutes as presented.

**II. ADAM WALSH ACT (sex offender laws)- presented by Lieutenant Joe Simon, Sheriff's Office (handout).**

Current laws require sex offenders to be on the sex offender registry if convicted after July 1, 1995. This could become retroactive under the Adam Walsh Act with offenders who were convicted prior to July 1, 1995 having to register. This will cause an increase in registrations within the Sheriff's Office. The Department of Public Safety holds a database for the State. Under the Adam Walsh guidelines offenders would be placed in "tiers" based upon the crime committed. Tier 1 is a lesser offense would appear/register once a year, Tier 2 is a more serious offense would register every six months and Tier 3 is lifetime sex offenders would register every three months. As of September 2008 there were 417 registered offenders. The numbers fluctuate due to address changes, etc (i.e. the 2000' law). The Sheriff can't project numbers until this law is passed but the numbers will go up creating a higher caseload. Also this will slow down the booking process due to Sheriff having to review history at the time of booking. The Sheriff will also have to do DNA testing and has concerns regarding training, storage, etc. DCI is requesting to change the 2000' rule to a 300' safe zone. The Department of Public Safety is spearheading this proposal. If not passed, there is a fine that the State will receive and we're not sure what the penalties are. If the law goes into effect, the Sheriff won't have enough staff to keep up. Other issues are the Byrne Grant funds would be cut, possibly by 10% and states that don't pass this would be considered "havens" for sex offenders coming in from other states. Probation already takes DNA but this would increase on the Sheriff's end for the July 1995 retroactive persons. Bill McCarthy says this is well intentioned but there is a cost to this. Lobbyists need to be aware during legislative session. Tom Hockensmith says if the 2000' rule stays in place with this, it would be unmanageable. This will impact all areas – probation, correction, courts). No timeline has been set yet for how far back they can go. Sally Kreamer asked about the taking of DNA. This is something that Probation does now. The counter argument will be that this will relieve the State workload. Chief McCarthy stated that this is just a cost shift. The amount set from feds to the state is 10%. Sarcone stated that the legislature does not have to pass the Adam Walsh completely; they can take steps to move toward compliance. Byrne funding has been reduced over the years. Judge Gamble stated that increased regular investigation for failure to register will have an impact on the county and state budget, courts; increased incarceration will have a significant fiscal impact. Valorie Wilson asked if any states had challenged the law constitutionally? Lt. Simon stated that the state of Washington is. Mike O'Meara stated that there

is an oral argument before the Supreme Court on the Formaro case regarding the different overlay of county and city ordinances.

### III. Self Arrest Program Update – presented by Deputy Keith Osborn.

The purpose is to establish eligibility for defendants with an active warrant, they would satisfy the warrant and turn themselves in without going to Jail. These would be Class "D" felonies or below, non violent crimes. Any assault or domestic abuse involving a weapon would not qualify. The defendant receives letter to appear and satisfy warrant, shows up, verifies information, sets a new court date, is fingerprinted and released. A warrant is issued if they don't appear at the new court date. There are over 5,000 warrants issued in 2008, approximately 26 qualify for this program. Sally suggests expanding this to Probation if it's a misdemeanor. This could be explored further, there are maybe 50 warrants with probation issues, plus an additional 25 disorderly conduct. FTA's could also be included in this program (failure to appear). Locations for the program have not been determined. John Sarcone questioned why we would issue them another court date. This doesn't have to be done if there is a prosecutor and judge there to handle it on the first date. Tom said other jurisdictions are doing this and we could go to them to see how it's working. Judge Gamble suggested Judge Witt be involved in this. Nancy Richardson asked Judge Gamble to consider placing bond so that probation violators would qualify for the program. Judge Gamble stated that he would consider that. Chief McCarthy will prepare a presentation for the judges on the self arrest program.

### Video Conferencing Update

Captain Brooks stated that the video conferencing equipment is being ordered, we are in the process of working out the bugs. The equipment will be installed in the Public Defender's Office, main jail and Department of Corrections.

### Statistical Analyst Update

No report this meeting.

Valorie requested more information regarding probation violations with no bond statistics and thinks the group should talk about the high number on new charges with bonds and misdemeanors with no bond. Tom agrees with this – identify staff for a sub-committee and pull this information together. Sally says these would be low-level technical violators with no bond. Bill McCarthy said they received feedback on the Statistical Analyst and they're working on that. Judge Gamble asked Captain Brooks to deliver copy of the stats to Judge Moisan.

### IV. Open Discussion

John said numbers of the Jail and Federal prisoners is under 700. He thinks that's good for a jurisdiction of our size.

Tom appreciates everyone working together to look at these options to be more efficient.

Judge Gamble said U.S. Magistrate Judge Walters had a tour of the jail and was impressed.

### V. The next meeting is scheduled for January 22, 2009 at 8:00 a.m.