

July 20, 2020 - Governor's FOCUS Committee on Criminal Justice Reform
Virtual Meeting - Zoom

The meeting was called to order at 10:02 a.m.

The roll was called. All committee members were present.

Tim Lane made a motion to adopt the minutes for the June 24 meeting. The motion was seconded by Darius Potts. The minutes were adopted by voice vote.

Iowa City NAACP President Kevin Sanders gave the Committee an update on the work of the Law Enforcement Equity Task Force.

The Committee heard from a panel of local officials on local anti-profiling ordinances. The panel included University Heights Police Chief Troy Kelsay, Des Moines City Manager Scott Sanders, and Cedar Rapids Police Chief Wayne Jerman.

The Committee heard presentations on pretextual stops as they were upheld in *State v. Brown*. Theresa Wilson from the State Appellate Defender's Office discussed the arguments made against pretextual stops and the dissenting opinion. Alan Ostergren, former Muscatine County Attorney, discussed the majority's holding and the amici brief he filed on behalf of the Iowa County Attorneys Association.

The Committee discussed pretextual stops. Jeff Wright offered a proposal to automate citations for several non-moving offenses and making them secondary offenses for which peace officers could not initiate a traffic stop. There were questions and discussion surrounding this idea. Jeff agreed to share a written proposal with the committee for further consideration.

The Committee opened the floor for public comment.

- Windsor Heights Police Chief Chad McCluskey asked the Committee to consider automating data collection through the driver's license and raised concerns about the cost of implementation through other means, especially for rural departments.
- David Walker of the Iowa-Nebraska NAACP said that race should play no part in making a stop. The most important aspect is collecting data. He shared that studies show contraband is found more frequently in stops of white persons (on a percentage of stops basis). David said pretextual stops also present a cost to community policing by eroding trust in law enforcement. He asked that the Committee propose collecting data at every stop, even if no warning or citation is given.

- Russ Lovell of the Iowa-Nebraska NAACP reiterated that the Constitution sets the minimum floor. States or municipalities can do more, even ban all pretextual stops. After passage of Nebraska anti-profiling law, the disparity in marijuana possession arrests was cut in half over 10 years.

The meeting adjourned at 1:05 p.m.