

Blueprint for Smart Justice
Iowa



Blueprint *for* Smart Justice Iowa

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and underfunded schools. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has fractured American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to dramatically reduce its reliance on incarceration and invest instead in alternatives to prison, including approaches better designed to break the cycle of crime and recidivism by helping people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combating racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kinds of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state, Urban Institute researchers identified primary drivers of incarceration. They then predicted the

impact of reducing prison admissions and length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Iowa — where, as of 2017, the per capita adult imprisonment rate of Black people is nearly 11 times higher than that of white people¹ — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing and prosecutorial reform that are specific to combating these disparities.

Between 1980 and 2016, Iowa's prison population more than tripled.² As of September 2018, more than 8,500 people were imprisoned in the state.³ While many different offenses drive people into Iowa's prisons, over two-thirds of new prison admissions in 2017 were for nonviolent offenses,⁴ such as drug, property, and public order crimes. Drug offenses in particular have contributed to the state's rising prison population, accounting for one quarter of new admissions in 2017.⁵ Readmissions to prison, which include parole and work release returns, are also significant drivers of the incarcerated population. These readmissions accounted for about one in every three admissions to Iowa prisons in 2017.⁶

The population of women imprisoned in Iowa nearly quadrupled between 1990 and 2016, growing more

than twice as fast as the male population.⁷ People with mental health needs are also prevalent throughout Iowa's prisons. Roughly 57 percent of Iowa's prison population had a chronic mental health diagnosis in 2016.⁸ Along with mental health disorders, many incarcerated Iowans struggle with substance use disorders. In 2011, the Iowa Department of Public Health reported that out of everyone imprisoned that year who completed a substance screening, 46 percent had a "current drug problem."⁹

If no reforms are enacted to change the course of Iowa's prison population, more than 10,000 people are projected to be imprisoned in Iowa by 2027.¹⁰ And incarceration is expensive: The state spent \$379 million of its general fund on corrections in 2017.¹¹

So what's the path forward?

To start, reducing the time people serve in Iowa prisons is key. Iowa legislators should enact parole reform to expand access to early release. Eliminating parole revocations for technical violations will also help reduce the Iowa prison population. Iowa lawmakers can also work toward reducing the prison population by expanding access to compassionate release for aging prisoners and eliminating mandatory minimums for all crimes.

Further, continuing to invest in alternatives to incarceration – such as programs that offer mental health care and substance use programs, in addition to providing housing, health care, and vocational training support – can help significantly reduce recidivism rates.¹² Expanding access to treatment for mental health and substance use disorders can also help address the underlying drivers of crime, which will help people stay out of prison and can save the state money.¹³

If Iowa were to adopt the changes outlined in this report's forecaster chart and achieve a 50 percent reduction in its prison population, the state could save more than \$360 million by 2025 – money that could be better spent on schools, infrastructure, and services for Iowans.

Ultimately, the answer is up to Iowa's voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending Iowa's obsession with mass incarceration.

The State of the Iowa Prison System

Iowa's prison population more than tripled between 1980 and 2016,¹⁴ and as of September 2018, there were 8,572 people imprisoned in Iowa.¹⁵ When you include people in jail and on community supervision, like probation and parole, the reach of the criminal justice system is even greater: As of December 2016, Iowa had 46,700 people under correctional control.¹⁶

Over the past several decades, the Iowa prison population has soared, peaking in 2010 at 9,388 and remaining high in the years since.¹⁷ As of 2016, Iowa imprisoned 287 out of every 100,000 of its residents.¹⁸ The number of people imprisoned in Iowa is projected to increase to more than 10,000 people by 2027 if no reforms are enacted to change course.¹⁹

AT A GLANCE

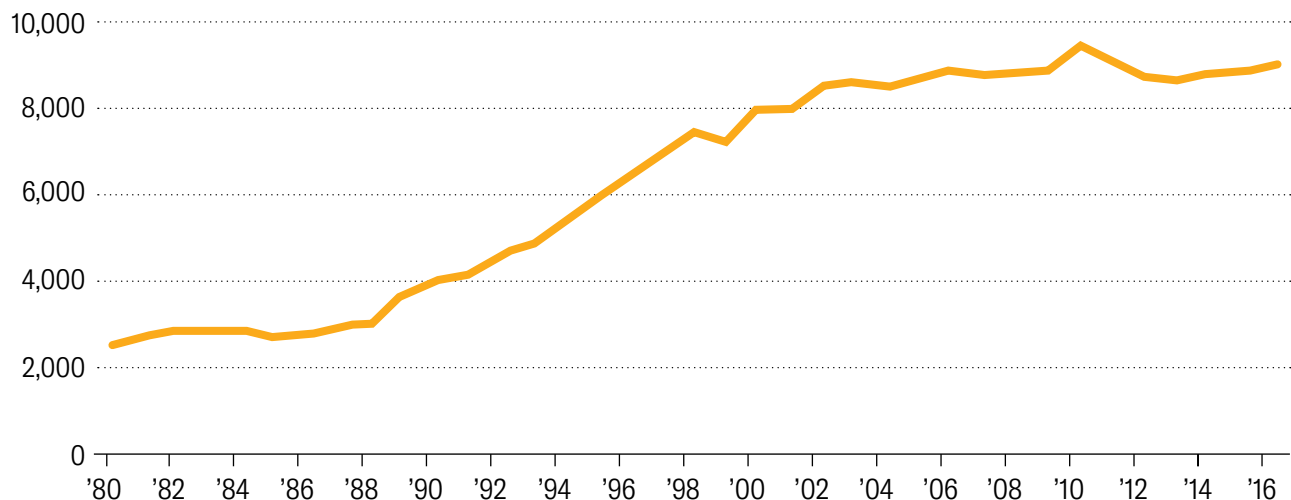
IOWA PRISONS

As of September 2018, there were more than **8,500 people** imprisoned in Iowa.

If no reforms are enacted, Iowa's prison population is projected to exceed **10,000 people** by 2027.

Iowa's prison population **more than tripled** between 1980 and 2016.

IOWA PRISON POPULATION



What Is Driving People Into Prison?

In the past decade, the number of people admitted to Iowa prisons each year²⁰ has increased by 13 percent, from 5,390 in 2008 to 6,098 in 2017.²¹ This increase is due in part to an increase in readmissions, which include parole and work release returns. Annual readmissions increased nearly 62 percent between 2008 and 2017 and accounted for about one in every three admissions (34 percent) to Iowa prisons in 2017.²² The probation revocation rate in 2017 (7.9 percent) was the highest observed in the past decade, while the number of people on probation was the lowest.²³ The number of new prison admissions for misdemeanor offenses has increased by 26 percent over the past decade and accounted for nearly one quarter (24 percent) of new admissions in 2017.²⁴

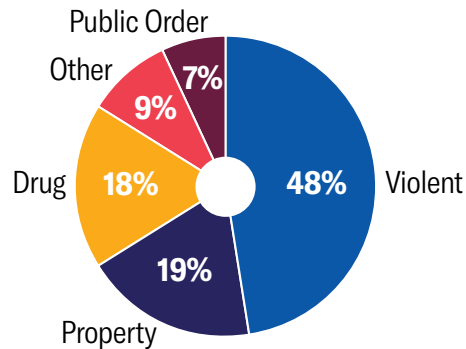
In Iowa, a litany of offenses drives people into prisons. In 2017, nonviolent offenses, including drug, property, and public order offenses, accounted for over two-thirds of new prison admissions. Drug offenses are a significant driving force behind the rising prison population in Iowa, increasing by 9 percent between 2008 and 2017, when they accounted for one-quarter of new admissions.²⁵ Approximately one-fifth of new drug admissions were for marijuana offenses, and 64 percent were for methamphetamine offenses.²⁶ Additionally, 28 percent of new admissions in 2017 were for property offenses, including 11 percent for burglary

and 10 percent for theft. Other common offenses for new prison admissions in 2017 included assault (15 percent), operating a vehicle while intoxicated (6 percent), and forgery and fraud (5 percent).²⁷

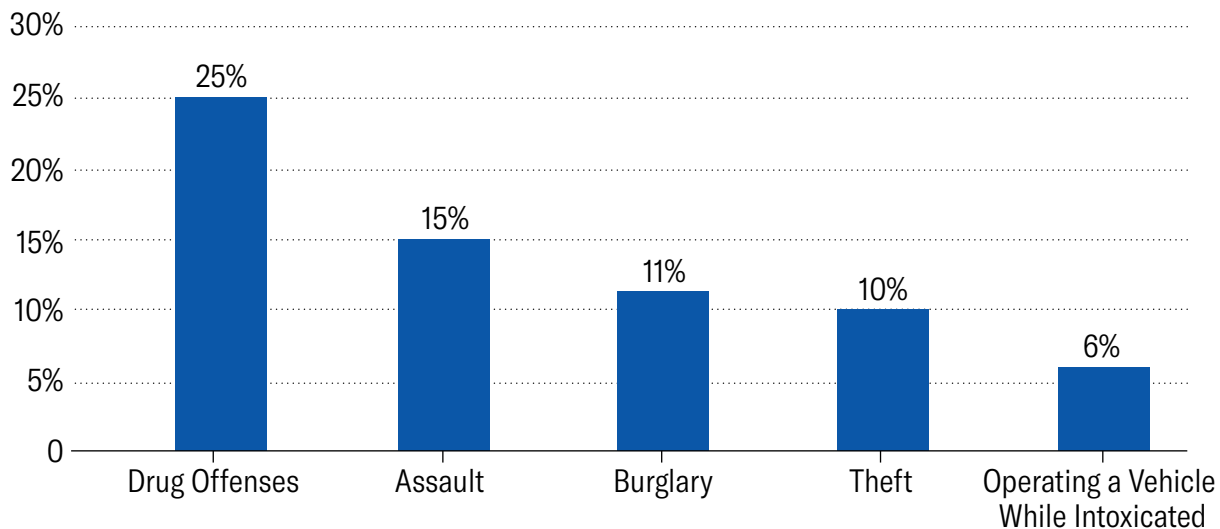
The Current Prison and Jail Population

As of September 2018, nearly two in five people imprisoned in Iowa were serving time for a drug or property offense (18 percent and 19 percent,

IOWA PRISON POPULATION BY OFFENSE TYPE (2018)



IOWA NEW PRISON ADMISSIONS BY TOP OFFENSE TYPE (FY 2017)



AT A GLANCE

IOWA JAIL AND PRISON POPULATION

Iowa prisons are projected to reach **143 percent** of 2018 capacity by 2027.

Readmissions accounted for approximately **1 in every 3** admissions to prison in Iowa in 2017.

87 percent of people jailed in Iowa in 2015 were awaiting trial and had not been convicted of a crime.

respectively). Seven percent of the prison population was serving time for public order offenses, such as alcohol offenses or traffic violations.²⁸

In 2015, one in five (20 percent) people imprisoned in Iowa was serving time for a drug offense, including 14 percent for drug trafficking, the most common controlling offense. Other common offenses in the 2015 prison population included homicide (10 percent), burglary (9 percent), theft (7 percent), and robbery (7 percent).²⁹

Although overcrowding in Iowa prisons has decreased in the past decade, this trend is expected to reverse in the coming years. As of October 2018, prisons in Iowa were operating at 124 percent of capacity,³⁰ and they are projected to reach 143 percent of 2018 capacity by 2027.³¹

Additionally, as of September 2018, at least 18 percent of people imprisoned in Iowa had less than a high school education.³²

In 2015, local jails in Iowa held over 3,600 people, the vast majority (87 percent) of whom were awaiting trial and had not been convicted of a crime.³³

Why Do People Stay in Prison for So Long?

In 2018, more than 5,200 people imprisoned in Iowa were serving a sentence of at least 10 years.³⁴ The number of people serving a life sentence increased 235 percent between 1986 and 2017³⁵ and accounted for about 1 in 10 people in prison as of March 2018.³⁶ Meanwhile, the average time served at release for new commitments has remained relatively stable over the past decade, at 22 months for people released in 2017.³⁷

The number of people granted parole increased between 2007 and 2017, but the Iowa Parole Board still denied release to 41 percent of all people considered in 2017.³⁸

Iowa has harsh sentencing laws that require individuals convicted of certain offenses to serve 70 percent of their maximum sentence before being eligible for release. For example, people sentenced under these laws to 25-year terms must serve a minimum of 17.5 years in prison.³⁹ The proportion of the prison population serving time under these sentencing requirements is growing quickly. At least 16 percent of people imprisoned in Iowa in 2027 are expected to be subject to these punitive truth-in-sentencing policies.⁴⁰

Disproportionate Impact of Imprisonment

Black Iowans: In 2017, the imprisonment rate of Black adults in Iowa (2,724 per 100,000) was nearly 11 times

AT A GLANCE

LENGTH OF IMPRISONMENT AT A GLANCE

The number of people serving life sentences in Iowa increased **235 percent** between 1986 and 2017.

The Iowa Parole Board denied release to **41 percent** of people considered in 2017.

AT A GLANCE

IOWA PRISONS

Black adults in Iowa are imprisoned at nearly **11 times** the rate of white adults.

The number of women in Iowa prisons nearly **quadrupled** between 1990 and 2016.

The disparity between Iowa's Latino and white imprisonment rates was the **sixteenth highest** in the U.S. in 2014.

that of white people.⁴¹ In 2014, the imprisonment rate of Black people in Iowa was the fourth highest in the country.⁴² Although they made up just 3 percent of the adult state population, Black people made up 25 percent of the prison population in Iowa in 2017.⁴³

Latino Iowans: In 2017, the imprisonment rate of Latino adults in Iowa (494 per 100,000) was nearly double that of white adults.⁴⁴ The disparity between the Latino and the white imprisonment rates in Iowa was sixteenth highest in the country in 2014.⁴⁵

Female Iowans: The number of women in Iowa prisons nearly quadrupled between 1990 and 2016 when there were 817 women in prison, growing more than twice as fast as the male population over the same time period.⁴⁶ Although the female prison population

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

In 2016, roughly **57 percent** of Iowa's prison population had a chronic mental illness.

Of everyone imprisoned in Iowa in 2011 screened, **46 percent** had a current drug problem.

has remained relatively constant over the past decade, it is forecasted to increase by 24 percent by 2027.⁴⁷

Older Iowans: The number of people over the age of 50 in Iowa prisons, a population generally considered to pose a negligible risk to public safety,⁴⁸ accounted for 16 percent of the 2017 prison population, up from 11 percent in 2008.⁴⁹

People With Mental Health and Substance Use Disorders

Mental health needs are prevalent in Iowa's prison population. Approximately 57 percent of the Iowa prison population in 2016 had a chronic mental health diagnosis, including 33 percent with a serious mental illness.⁵⁰

Additionally, a 2012 report from the Iowa Department of Public Health showed that, out of everyone imprisoned in Iowa in 2011 who completed a substance screening, 81 percent had a challenge with illicit drugs at some point in their lifetime and 46 percent had a "current drug problem."⁵¹

Budget Strains

As Iowa's prison population has risen, so has the cost burden. Iowa spent \$379 million of its general fund on corrections in 2017, accounting for more than 5 percent of all general fund spending.⁵² These costs have grown 132 percent since 1985, while general fund higher education spending has grown by 6 percent over the same time period.⁵³

AT A GLANCE

BUDGET

Iowa spent **\$379 million** of its general fund on corrections in 2017.

General fund spending on corrections has grown **132 percent** in Iowa since 1985.

Ending Mass Incarceration in Iowa: A Path Forward

Mass incarceration is a result of many systems failing to support our communities. To end it, we must develop policies that better address inadequacies throughout our education, health care, and economic systems — to name a few. There are many potential policy changes that can help Iowa end its mass incarceration crisis, but it will be up to the people and policymakers of the state to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering jail and prison in the first place.

Reducing Admissions

To end mass incarceration, Iowa must break its overreliance on jails and prisons as a means to hold people accountable for their crimes. Evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. In fact, imprisonment can be counterproductive — increasing cycles of harm and violence as well as failing to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁵⁴ Here are some strategies:

- **Alternatives to Incarceration:** Iowa should implement programs that provide alternatives to incarceration and address the root causes of many of the state’s admissions to prison. Programs offering support services — such as substance use treatment, mental health care, employment, housing, health care, and vocational training, often with a community service requirement — have significantly reduced recidivism rates for participants.⁵⁵ For crimes involving violence, restorative

justice programs — which are designed to hold responsible people accountable and support those who were harmed — can be particularly promising. When they are rigorous and well-implemented, these processes have not only been demonstrated to reduce recidivism for defendants,⁵⁶ but they have also been shown to decrease symptoms of posttraumatic stress in victims of crime.⁵⁷ Prosecutors and judges who embrace these solutions can fulfill their responsibilities to public safety while supporting victims in their healing. And by doing so, they can often generate far better results than imprisonment can deliver. Other successful models include diverting people to treatment and support services before arrest as well as prosecutor-led programs that divert people before they are charged. Lawmakers can explore such interventions at multiple phases in the system, whether through decriminalization, or alternatives to arrest, charges, or incarceration.

- **Expand Treatment—Mental Health and Addiction:** Substance use and mental health needs are sometimes underlying drivers of crime, including offenses such as burglary, robbery, and assault. Addressing mental health and addiction through treatment, rather than incarceration, can more effectively reduce crime.⁵⁸ Diversion is an effective way to redirect people with mental health needs and substance use issues out of the criminal legal system and into supportive community treatment. Diversion programs have been shown to be effective for people charged with all types of offenses.⁵⁹ When implemented effectively, diversion reduces

arrests, encourages voluntary treatment in the community, and saves money.⁶⁰ Despite the initial investment in community supports, diversion programs have the potential to save jurisdictions large amounts of money.⁶¹ One way to support treatment options is expanding Medicaid so that Iowans have greater access to mental health treatment and substance use treatment while on probation or parole and after their separation from the criminal justice system.

- **Support Decriminalization:** Iowa should work to employ decriminalization strategies that eliminate criminal penalties while embracing diversion and alternatives to incarceration. This includes the decriminalization of drug possession and the decriminalization of poverty across Iowa. Criminal penalties can be replaced with civil fines that account for a person’s present ability to pay, diversion, and expanded social services and treatment for mental health and substance use needs.
- **Enact Pretrial Justice Reform:** Iowa can significantly reduce rates of pretrial detention by enacting laws that improve fairness and the administration of equitable justice in the pretrial process. While detained pretrial, research shows many people face significant collateral damage, such as job loss or interrupted education.⁶² After even a short stay in jail, taking a plea deal sounds less burdensome than losing everything, which is likely why evidence shows that pretrial detention significantly increases a defendant’s risk of conviction.⁶³ This includes the provision of free counsel to all people who have been arrested at the initial appearance and bail hearing. Iowa can expand the use of personal recognizance releases. Further, Iowa can adopt stricter ability-to-pay inquiries and prevent the abuse of cash bail, such as by eliminating the use of bond schedules. Far too often, people who cannot afford their bail will end up in jail for weeks, months, or, in some cases, years as they wait for their day in court.

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁸²

– From *The New Jim Crow*, Michelle Alexander

When this happens, the criminal justice system leaves them with a difficult choice: Take a plea deal or fight the case from behind bars. The current cash bail system harms people of color in particular. Research shows that people of color are detained at higher rates across the country when unable to meet bail and that courts set significantly higher bail amounts for them.⁶⁴ In order to significantly reduce pretrial detention and combat racial disparities, the Iowa Legislature should reform the pretrial system to enhance constitutional protections through provision of counsel and adequate due process protections, to limit pretrial detention, and to eliminate wealth-based discrimination by restricting the use of cash bail.

- **Prosecutorial Reform:** Prosecutors are the most powerful actors in the criminal justice system. They wield the power of the state against an individual and can deprive that person of life, liberty, and property. Iowa should enact prosecutorial reform that increases transparency, enhances oversight, and embraces diversion and alternatives to incarceration. The initial decisions of whether to charge someone with crimes – and if so, what and how many – have a major impact on every aspect of a person’s experience with the system,

not least of which is the amount of time someone faces and eventually serves incarcerated. There should be some mechanism for the state and counties to review and assess those decisions overall to ensure that they make these decisions appropriately. Moreover, sometimes prosecutors wrongfully convict a person, whether through prosecutorial misconduct or the conviction of an innocent person. Legislation that supports statewide Conviction Integrity Units in each county prosecutor's office can address wrongful convictions and prosecutorial misconduct. Conviction Integrity Units add oversight to a prosecutor's decisions, which encourages prosecutors to use greater scrutiny when reviewing and charging cases. Prosecutors should also be incentivized to prioritize the utilization of diversion and alternatives to incarceration.

- **Expanding Judicial Options at Sentencing:** The legislature can also limit the circumstances in which a judge is required to impose a prison sentence instead of community supervision, especially for drug offenses and in situations when the mandatory prison sentence is triggered by a prior felony. Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all cases, regardless of the severity of the offense or someone's prior criminal history. The court, not the legislature, should be in a position to decide whether such an option is appropriate in individual cases.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Iowa's prisons. Here's how:

- **Eliminate Mandatory Minimum Sentences:** The legislature can amend Iowa's criminal code to eliminate mandatory minimums for all crimes. The legislature can further act and reduce sentencing ranges, including, and especially for, drug offenses; burglary and other property offenses; robbery; public order offenses; and assault. Mandatory minimums lead people to remain incarcerated for time periods that are beyond reasonable and that are not in the best interest of either the individual incarcerated or the public.
- **Eliminating Sentencing Enhancements:** The legislature can limit the circumstances and the severity of Iowa's prior felony sentencing by eliminating sentencing enhancements, recognizing that they do not serve as a deterrent and are inadequate in addressing issues of substance use and abuse. Under current law, a person's sentence can be increased by up to three times the regular sentence and delay their initial parole eligibility, simply because they have a prior qualifying drug conviction. Prior convictions should have no bearing on sentencing of new convictions.
- **Eliminate Crack/Powder Cocaine Sentencing Disparities:** The disparate treatment of equivalent amounts of crack and powder cocaine exacerbates racial disparities in the prison system. From a public health perspective, the differential treatment is unjustified. While lawmakers took action to reduce the sentencing ratio from 10 to 1 to 2.5 to 1,⁶⁵ this was not enough. Lawmakers should eliminate this source of injustice.
- **Parole Reform:** Reducing the time people spend in prison is a necessary step to decrease Iowa's prison population. Since FY2016, both denials of release and parole revocations have increased each year, outpacing even the slight

increase in parole being granted; denials of appeal from these decisions have also steadily increased.⁶⁶ Iowa needs to enact parole reform that expands access to early release and provides clear guidelines to parole boards about how to make decisions in an equitable way.

- **Eliminate Parole Revocations for Technical Violations:** Parole revocations for technical violations are often due to onerous conditions and unreasonable requirements placed on people who are released, yet who are not given adequate support to meet. Incarceration for technical violations that do occur should be eliminated entirely. Instead, parole officers should be required to provide supportive services to ensure a person's successful completion of parole.
- **Compassionate Release:** The Iowa Legislature should expand access to compassionate release from prison. The state's prison population is rapidly aging, in significant part due to longer average sentence lengths, sentencing enhancements, and lack of access to parole. Keeping aging and seriously injured or ill people incarcerated significantly taxes prison resources. Studies have shown that incarcerating an older (50 and above) person costs double what it costs to incarcerate a younger person.⁶⁷ What is more, keeping older people behind bars does not serve the goal of incapacitation, particularly as studies have clearly shown that as people age their propensity to commit crime significantly declines.⁶⁸ There is also clear evidence showing that older persons have much lower rates of recidivism than their younger counterparts.⁶⁹

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Iowa will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk

for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages, such as pretrial detention, conviction, sentencing, and post-release opportunity.⁷⁰ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁷¹ However, the state did not target racial disparities in incarceration and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁷²

Ending mass incarceration is critical to eliminating racial disparities, but insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending over-policing in communities of color.
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate racial bias.
- Investing in diversion and community-based alternatives to detention in communities of color.

- Reducing the use of pretrial detention and eliminating wealth-based incarceration.
- Ending sentencing enhancements based on location (e.g., drug-free school zones and public property, such as parks and public housing).
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules.
- Eliminating discriminatory gang sentencing enhancements that disproportionately target people of color.
- Ensuring the death penalty isn't reinstated. Numerous studies illustrate racial disparities are rampant throughout the capital sentencing process.
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system.
- Removing law enforcement from schools and encouraging judges to use their power to dismiss cases that originate with school officials or on school grounds, when the matter may be adequately addressed through school disciplinary or regulatory process to avoid

TAKING THE LEAD

Prosecutors: They make decisions on when to prosecute an arrest, what charges to bring, and which plea deals to offer and accept. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide not to seek enhancements that greatly increase the length of sentences.

Parole boards: They decide when to allow people to leave prison. If the parole board is trained to consider and accommodate disability issues, they may recognize and release more people who have disciplinary issues in their records that are due to a lack of accommodations for their disabilities.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

Police: They are generally the first point of contact with the criminal justice system. The practices that police employ in communities can shape the public's view of and trust in the criminal justice system. Police can decide whether or not to arrest people and how much force to use during encounters with the public. Police departments can also participate in diversion programs, which enable officers to divert people into community-based intervention programs rather than into the criminal justice system.

State lawmakers: They decide which offenses to criminalize, what penalties to include, how long sentences can be, and when to take away discretion from judges. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives, including diversion programs that provide supported housing, treatment, and vocational training. And they can decide to sufficiently fund mental health and substance use treatment so it is available for people who need it before they encounter the criminal legal system.

incarcerating children during their most formative years.

- Eliminating fines and fees, which effectively criminalize poverty.
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers.

Reducing Disability Disparities

The rates of people with disabilities in the U.S. criminal system is two to six times that of the general population.⁷³ In particular, people with mental illness are dramatically overrepresented in jails and prisons across the country.⁷⁴

- People showing signs of mental illness are twice as likely to be arrested as people without mental illness for the same behavior.⁷⁵
- People with mental illness are sentenced to prison terms that are, on average, 12 percent longer than other people in prison.⁷⁶
- People with mental illness stay in prison longer because they frequently face disciplinary action from conduct that arises due to their illness — such as attempted suicide — and they seldom qualify for early release because they are not able to participate in rehabilitative programming, such as educational or vocational classes.⁷⁷

Furthermore, sentencing reforms appear to leave people in prison with mental health needs behind. In recent years in California, for example, the prison population has decreased by more than 25 percent following a court order, but the number of people with a serious mental disorder has increased by 150 percent — an increase in both the rate and the absolute number of incarcerated people with psychiatric disabilities.⁷⁸

Screening tools to evaluate psychiatric disabilities vary by state and jurisdiction, but the most reliable data indicates that more than half of jail populations and close to half of prison populations have mental

health disabilities.⁷⁹ The fact that people with mental health disabilities are arrested more frequently, stay incarcerated longer, and return to prisons faster is not due to any inherent criminality related to psychiatric disabilities. It arises in part because of the lack of accessible and appropriate mental health treatment in the community; in part, because of a perception of dangerousness by police, prosecutors and judges; and in part, because prison staff and probation officers fail to recognize and accommodate disability.

Many people of color in jails and prisons are also people with disabilities, and efforts to reduce disability disparities must go hand in hand with efforts to reduce racial disparities.⁸⁰ Not surprisingly, many of the strategies to reduce disability disparities are similar to approaches that reduce racial disparities. Some examples include:

- Investing in pre-arrest diversion.
 - Creating behavioral health centers, run by state departments of health, as alternatives to jails or creating emergency rooms for people experiencing mental health crises or addiction issues.
 - Training dispatchers and police to divert people with mental health issues who commit low-level nuisance crimes to these behavioral health centers. Jurisdictions that have followed this approach have significantly reduced their jail populations.⁸¹
- Ending arrest and incarceration for low-level public order charges, such as being drunk in public, urinating in public, loitering, trespassing, vandalism, and sleeping on the street. If needed, refer people who commit these crimes to behavioral health centers.
- Requiring prosecutors to offer diversion for people with substance use and mental health needs who are charged with low-level crimes.

- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate disability bias.
- Requiring prosecutors' offices be transparent in their charging decisions and plea deals.
- Investing in diversion programs and alternatives to detention designed for people with disabilities, including programs that provide supportive housing, Assertive Community Treatment, wraparound services, and mental health supports.
- Reducing the use of pretrial detention while increasing reminders of court dates and other supports to ensure compliance with pretrial requirements.
- Reducing reincarceration due to parole or probation revocations through intensive case management, disability-competent training for officers on alternatives to incarceration and reasonable modifications to requirements of supervision, and no return to incarceration for first and second technical violations.
- Addressing bias against mental disabilities in risk assessment instruments used to assist decision-making in the criminal justice system.
- Shifting funding away from law enforcement and corrections into supportive housing, intensive case management, schools, drug and mental health treatment, community organizations, job creation, and other social service providers.

Forecaster Chart

There are many pathways to cutting the prison population in Iowa by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Iowa, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Reduce average time served for drug distribution and other drug offenses by 60% (from 1.53 to 0.61 years) Institute alternatives that reduce admissions for drug distribution and other drug offenses by 60% (655 fewer people admitted) Institute alternatives that end all admissions for drug possession (261 fewer people admitted) 	15.02% reduction (1,631 fewer people)	White: 0.1% decrease Black: 1.5% increase Hispanic/Latino: 4.5% decrease Native American: 0.4% increase Asian: 2.0% decrease	\$38,609,102
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.25 to 0.50 years) Institute alternatives that reduce admissions by 50% (676 fewer people admitted) 	12.43% reduction (1,350 fewer people)	White: 0.7% decrease Black: 0.7% increase Hispanic/Latino: 3.7% increase Native American: 0.8% increase Asian: 4.0% increase	\$29,220,275
Theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.21 to 0.49 years) Institute alternatives that reduce admissions by 50% (316 fewer people admitted) 	5.63% reduction (611 fewer people)	White: No change Black: 0.6% decrease Hispanic/Latino: 2.6% increase Native American: 0.4% decrease Asian: 0.6% increase	\$13,187,605

Burglary	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.45 to 0.73 years) • Institute alternatives that reduce admissions by 30% (169 fewer people admitted) 	4.93% reduction (535 fewer people)	White: 0.1% increase Black: 0.4% decrease Hispanic/Latino: 1.2% increase Native American: 2.6% decrease Asian: 1.3% decrease	\$11,184,106
Robbery	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 11.43 to 5.71 years) • Institute alternatives that reduce admissions by 30% (37 fewer people admitted) 	3.59% reduction (390 fewer people)	White: 1.5% increase Black: 3.9% decrease Hispanic/Latino: No change Native American: 0.4% increase Asian: 2.4% increase	\$5,917,321
Assault	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.64 to 0.82 years) • Institute alternatives that reduce admissions by 30% (73 fewer people admitted) 	2.43% reduction (264 fewer people)	White: 0.3% increase Black: 0.6% decrease Hispanic/Latino: 0.4% decrease Native American: 2.4% decrease Asian: No change	\$5,722,123
Fraud	<ul style="list-style-type: none"> • Reduce average time served by 60% (from 1.06 to 0.43 years) • Institute alternatives that reduce admissions by 50% (147 fewer people admitted) 	2.30% reduction (250 fewer people)	White: 0.4% decrease Black: 0.8% increase Hispanic/Latino: 1.1% increase Native American: 2.6% decrease Asian: 2.4% increase	\$5,468,832
DWI	<ul style="list-style-type: none"> • Reduce average time served by 60% (from 0.57 to 0.23 years) • Institute alternatives that reduce admissions by 50% (225 fewer people admitted) 	1.88% reduction (204 fewer people)	White: 0.3% decrease Black: 0.8% increase Hispanic/Latino: 0.3% increase Native American: 0.9% decrease Asian: 0.9% decrease	\$4,760,824

Other property offenses*****	<ul style="list-style-type: none"> • Reduce average time served by 60% (from 0.90 to 0.36 years) • Institute alternatives that reduce admissions by 50% (89 fewer people admitted) 	1.18% reduction (128 fewer people)	White: 0.2% decrease Black: 0.5% increase Hispanic/Latino: No change Native American: 0.5% decrease Asian: 1.0% decrease	\$2,729,220
Weapons offenses*****	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.01 to 0.51 years) 	0.59% reduction (64 fewer people)	White: No change Black: 0.3% decrease Hispanic/Latino: No change Native American: 0.6% increase Asian: 0.6% increase	\$1,177,876

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** This column represents the percent change in the share of the prison population made up by each racial/ethnic group. It compares the proportion of the population made up by a group in the 2025 baseline prison population to the proportion of the population made up by that group when the reform scenario is applied. We then calculate the percent change between those two proportions. Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison – of a certain race – to the number of people in the state’s general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Iowa, where Black people make up 25 percent of the prison population but constitute only 3 percent of the state’s total adult population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some other property offenses include stolen property trafficking, vandalism, property damage, criminal mischief, unauthorized vehicle use, and trespassing.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Iowa were to implement reforms leading to the changes above, 5,428 fewer people would be in prison in the state by 2025, a 50 percent decrease. This would lead to a total cost savings of \$360,400,064 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Iowa’s prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific

reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

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- 2 BJS Corrections Statistical Analysis Tool
- 3 Iowa DOC Daily Statistics, 10/30/2018
- 4 Offense breakdowns in this Blueprint are based on the most serious, or “controlling” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions and are categorized here only under the controlling offense types.
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- 18 BJS Corrections Statistical Analysis Tool
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- 23 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027.
- 24 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027
- 25 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027
- 26 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027
- 27 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027
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- 30 Iowa DOC Daily Statistics, 10/30/2018
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- 35 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027.
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- 38 Iowa Board of Parole, FY2007 Annual Report; Iowa Board of Parole, FY2017 Annual Report
- 39 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027
- 40 The Correctional Policy Project: Iowa Prison Population Forecast, FY 2017-FY 2027.
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