

## Community-Based Corrections Funding Levels

### ISSUE

This **Issue Review** examines the funding levels within the Community-Based Corrections (CBC) District Departments compared to the offender populations, risk and supervision levels, and recidivism rates to consider whether current funding allocations are appropriate. The majority of offenders in corrections are supervised by the CBC District Departments.

### AFFECTED AGENCIES

Department of Corrections and Community-Based Corrections District Departments

### CODE AUTHORITY

Chapters [901B](#), [904](#), and [905](#), and the Criminal Code (Chapters 701 to 728)

### BACKGROUND

Community-Based Corrections is an alternative to incarcerating offenders convicted of criminal acts in State prisons and county jails. This includes people on pretrial release and offenders on probation or parole that reside in the community or residential facilities under the supervision of the CBC District Departments and participate in treatment programs.

Each of the eight [CBC District Departments](#) has its own local Board that hires the Director and sets policy for that CBC District Department. The Board oversees program operations and the budget. In addition, each CBC District Department has one or more citizen advisory boards. The Department of Corrections (DOC) has oversight responsibilities for CBC programs, including statewide planning, budget oversight, establishment of program guidelines, and development of performance measures. Each CBC District Department serves the same counties as the judicial districts in the court system.<sup>1 2</sup>

### CURRENT SITUATION

#### Offender Populations

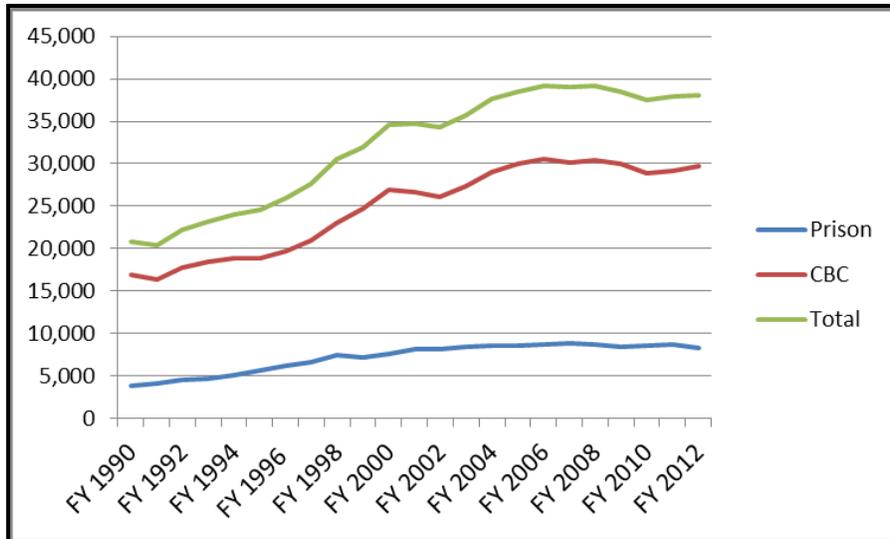
The State corrections population (number of offenders under CBC or State prison supervision) has grown from 20,747 in FY 1990 to 38,109 in FY 2012. This is an increase of 17,362 (83.7%) offenders over the last 22 years. During that same period, the annual change in the population ranged from a decrease of 2.6% (FY 2010) to an increase of 10.6% (FY 1998). However, the

<sup>1</sup> For more information regarding the administrative structure and programs available within CBC, please refer to the **Fiscal Topic**, [Community-Based Corrections](#) published August 12, 2009.

<sup>2</sup> The [FY 2011 Combined Audit of the CBC District Departments](#) is available on the Auditor of State's website.

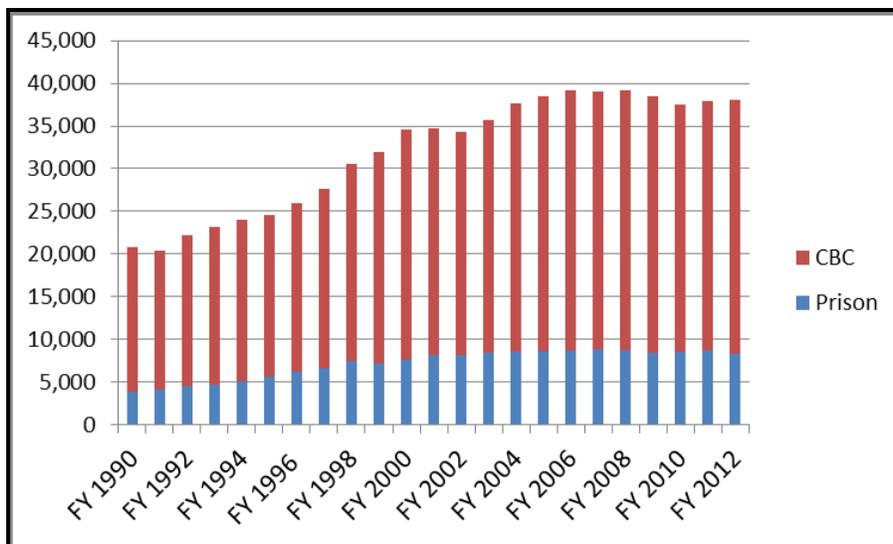
population has steadily trended upward, with a compound annual growth rate of 2.8%. **Chart One** below shows the trend lines over the last 22 years.

**Chart One**  
**CBC, Prison, and Total Corrections Populations**



The majority of offenders are supervised in the CBC system as it serves as an alternative to State prison (the most expensive sentencing option is State prison). The CBC District Departments have responsibility for approximately 78.1% of the offenders under correctional supervision by the State while they have approximately 27.9% of the total staff. In FY 1990, the CBCs supervised 81.5% of the offenders, but by FY 2012, the percentage had declined to 78.1%. Between FY 1990 and FY 2012, the prison population increased from 3,842 to 8,333 offenders, an increase of 4,491 (116.9%) offenders. Over the same time period, the CBC population grew from 16,905 to 29,776 offenders, an increase of 12,871 (76.1%) offenders. The prison population grew at a faster rate (3.6% compound annual growth rate for the State prisons versus 2.6% for CBC) even though it is the smaller of the two populations. **Chart Two** below shows the corrections population across fiscal years.

**Chart Two**  
**CBC and Prison Populations**



**Funding**

The CBC system is funded by State General Fund and other appropriations, supervision fees, residential rents, specific program fees, direct federal grants, contracts with the federal Bureau of Prisons, and grants administered by State agencies. State General Fund appropriations provide the majority of the funding, budgeted at approximately 80.0% of total revenues in FY 2013. There is currently no workload or funding formula that is used to determine State appropriations to the CBC District Departments. State appropriations for FY 2013 are approximately \$83.4 million as indicated in **Table One** below.<sup>3</sup>

**Table One  
State Funding for CBC District Departments**

|                         | Actual<br>FY 2008 | Actual<br>FY 2009 | Actual<br>FY 2010 | Actual<br>FY 2011 | Estimated<br>FY 2012 | Estimated<br>FY 2013 |
|-------------------------|-------------------|-------------------|-------------------|-------------------|----------------------|----------------------|
|                         | (1)               | (2)               | (3)               | (4)               | (5)                  | (6)                  |
| <b>CBC District 1</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 12,706,033     | \$ 13,300,371     | \$ 12,028,965     | \$ 11,920,098     | \$ 12,658,088        | \$ 12,958,763        |
| HITT/PSEF/CRF           | 228,216           | 410,332           | 0                 | 129,690           | 0                    | 0                    |
| Total State Funds       | \$ 12,934,249     | \$ 13,710,703     | \$ 12,028,965     | \$ 12,049,788     | \$ 12,658,088        | \$ 12,958,763        |
| <b>CBC District 2</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 10,080,108     | \$ 11,053,717     | \$ 10,294,859     | \$ 10,336,948     | \$ 10,467,801        | \$ 10,870,425        |
| HITT/PSEF/CRF           | 406,217           | 441,215           | 0                 | 26,944            | 0                    | 0                    |
| Total State Funds       | \$ 10,486,325     | \$ 11,494,932     | \$ 10,294,859     | \$ 10,363,892     | \$ 10,467,801        | \$ 10,870,425        |
| <b>CBC District 3</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 5,903,401      | \$ 6,104,702      | \$ 5,363,652      | \$ 5,501,879      | \$ 5,952,381         | \$ 6,238,455         |
| HITT/PSEF/CRF           | 200,359           | 220,856           | 0                 | 16,136            | 0                    | 0                    |
| Total State Funds       | \$ 6,103,760      | \$ 6,325,558      | \$ 5,363,652      | \$ 5,518,015      | \$ 5,952,381         | \$ 6,238,455         |
| <b>CBC District 4</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 5,419,406      | \$ 5,603,983      | \$ 5,255,617      | \$ 5,391,355      | \$ 5,416,853         | \$ 5,495,309         |
| HITT/PSEF/CRF           | 291,731           | 310,547           | 0                 | 12,894            | 0                    | 0                    |
| Total State Funds       | \$ 5,711,137      | \$ 5,914,530      | \$ 5,255,617      | \$ 5,404,249      | \$ 5,416,853         | \$ 5,495,309         |
| <b>CBC District 5</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 18,401,003     | \$ 19,232,705     | \$ 18,140,442     | \$ 18,407,129     | \$ 18,897,467        | \$ 19,375,428        |
| HITT/PSEF/CRF           | 355,693           | 419,582           | 0                 | 387,872           | 0                    | 0                    |
| Total State Funds       | \$ 18,756,696     | \$ 19,652,287     | \$ 18,140,442     | \$ 18,795,001     | \$ 18,897,467        | \$ 19,375,428        |
| <b>CBC District 6</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 12,675,246     | \$ 14,273,011     | \$ 12,711,127     | \$ 12,709,753     | \$ 13,712,506        | \$ 14,095,408        |
| HITT/PSEF/CRF           | 494,741           | 566,750           | 0                 | 436,940           | 0                    | 0                    |
| Total State Funds       | \$ 13,169,987     | \$ 14,839,761     | \$ 12,711,127     | \$ 13,146,693     | \$ 13,712,506        | \$ 14,095,408        |
| <b>CBC District 7</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 7,020,794      | \$ 7,265,034      | \$ 6,461,918      | \$ 6,492,814      | \$ 6,716,588         | \$ 6,895,634         |
| HITT/PSEF/CRF           | 232,232           | 256,608           | 0                 | 19,265            | 0                    | 0                    |
| Total State Funds       | \$ 7,253,026      | \$ 7,521,642      | \$ 6,461,918      | \$ 6,512,079      | \$ 6,716,588         | \$ 6,895,634         |
| <b>CBC District 8</b>   |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 6,998,544      | \$ 7,109,164      | \$ 6,792,677      | \$ 6,731,055      | \$ 7,372,419         | \$ 7,518,935         |
| HITT/PSEF/CRF           | 300,000           | 324,299           | 0                 | 14,098            | 0                    | 0                    |
| Total State Funds       | \$ 7,298,544      | \$ 7,433,463      | \$ 6,792,677      | \$ 6,745,153      | \$ 7,372,419         | \$ 7,518,935         |
| <b>Statewide Total</b>  |                   |                   |                   |                   |                      |                      |
| General Fund            | \$ 79,204,535     | \$ 83,942,687     | \$ 77,049,257     | \$ 77,491,031     | \$ 81,194,103        | \$ 83,448,357        |
| HITT/PSEF/CRF           | 2,509,189         | 2,950,189         | 0                 | 1,043,839         | 0                    | 0                    |
| Total State Funds       | \$ 81,713,724     | \$ 86,892,876     | \$ 77,049,257     | \$ 78,534,870     | \$ 81,194,103        | \$ 83,448,357        |
| Year-End CBC Population | 30,156            | 29,980            | 28,817            | 29,256            | 29,641               | 30,235               |

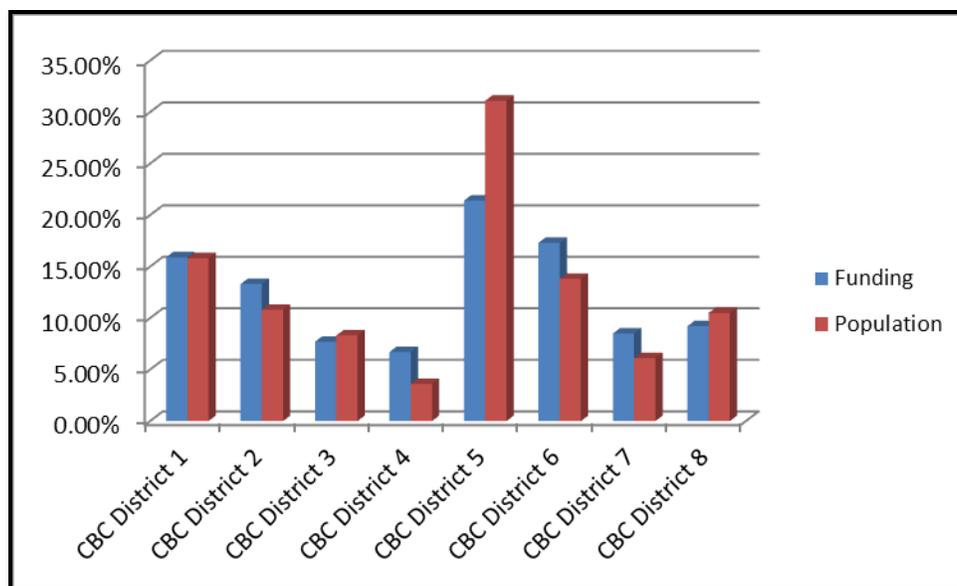
HITT = Healthy Iowans Tobacco Trust.  
PSEF = Public Safety Enforcement Fund available in FY 2011 only.  
CRF = Cash Reserve Fund available in FY 2011 only.  
The General Fund appropriation to the Fifth CBC District Department includes \$2.0 million for the statewide electronic monitoring system in FY 2013.  
The CBC populations vary daily across the State. For purposes of this document, CBC populations for FY 2013 are as of September 24, 2012.  
Source: LSA and Iowa Corrections Offender Network (ICON)

<sup>3</sup> See the **Issue Review**, "[State Prison System Budget](#)" published November 2010 for information concerning the prison system's operating budget.

The [Fifth CBC District Department's](#) FY 2013 State appropriation includes approximately \$2.0 million for the statewide command center and electronic monitoring system costs for the entire CBC system; so, about 10.3% of that District Department's State appropriation is budgeted for the benefit of the whole CBC system. The funding percentage of State appropriations for the Fifth CBC District Department has been reduced to allow comparisons between all of the District Departments. This modification is used for all comparisons in this **Issue Review**. Data regarding offender populations was provided by the DOC and the Iowa Corrections Offender Network (ICON), unless otherwise noted.<sup>4</sup>

As of September 2012, there are 30,200 offenders under CBC supervision according to the ICON. **Chart Three** compares the District Departments' percentage of State funds as compared to the percentage of the CBC offender population.

**Chart Three**  
**CBC State Funding Compared to Offender Population**



As shown in **Chart Three** above, percentage of state funding (15.9%) is roughly equivalent to the statewide percentage of offenders supervised (15.8%) in the First CBC District Department. There is significant variation in the other seven District Departments when comparing state funding percentages to the statewide percentage of offenders supervised by the District Departments. The most significant difference is in the Fifth CBC District Department that receives 21.4% of state funding but supervises 31.1% of all offenders statewide in CBC. There does not appear to be any correlation between State funding and the number of offenders supervised by the CBC District Departments. However, there are other factors to consider besides the number of offenders supervised, such as risk and supervision levels of the offenders supervised, as well as recidivism rates of the District Departments.

<sup>4</sup>The ICON is an offender management suite of programs that currently includes 10 modules: offender case management, medical/mental health, View (intelligence system), dietary, commissary, grievance, pharmacy, banking, critical incident reporting, and O-Mail. Examples of what the programs do include facilitating the issuance of smart cards to inmates to make services more efficient and cost-effective, streamlining collections from inmates for restitution, child support, DOC sanctions, savings plans, and reducing paper in mailrooms and the DOC office. The ICON system continues to develop.

### **Risk Levels of the Offender Population**

Iowa chapter [901B](#) provides a corrections continuum for intermediate sanctions based on risk and service needs of the offenders. The Chapter requires the DOC and CBC District Departments to use a valid risk assessment tool to determine the level of supervision within the corrections continuum.

Iowa uses the Iowa Risk Assessment tool to determine the risk of an offender to reoffend. The tool is based on the Wisconsin model, and modified to address Iowa's sentencing and corrections system. The tool was validated by the [National Council on Crime and Delinquency](#) in 1990 with funds provided during a two-year interim study approved by the Iowa Legislative Council (Toborg Report). The DOC reassessed the instrument's validity and is currently updating the risk assessment tool based on the outcomes of that assessment.

Offenders are assessed when they start supervision and reassessed every six months thereafter. The current tool results in the following scores in **Table Two** that are tied to the level of supervision.

**Table Two**  
**Iowa Risk Assessment Scores and Levels of Supervision**

| Initial Risk Score | Level of Supervision | Reassessment Risk Score | Level of Supervision |
|--------------------|----------------------|-------------------------|----------------------|
| (5) to 1           | Administrative       | (5) to 1                | Administrative       |
| 2 to 7             | Minimum              | 2 to 7                  | Minimum              |
| 8 to 11            | Low Normal           | 8 to 11                 | Low Normal           |
| 12 to 14           | High Normal          | 12 to 14                | Normal               |
| 15 to 25           | Intensive            | 15 to 31                | Intensive            |

The CBC District Departments may override the risk score and place an offender in a higher or lower level of supervision than that indicated by the tool. Some reasons for an override include assaultive behavior, high needs (treatment, employment, etc.), severity of offense, or special conditions set by the court or Board of Parole.

The CBC District Departments conduct Level of Services Revised (LSI-R) assessments for offenders that score High Normal or Intensive on the Iowa Risk Assessment to determine the risk and need to concentrate intervention resources on that group to reduce risk. The LSI-R tool was validated by the University of Cincinnati in 2006. The tool measures risk factors such as criminal history, education and employment, financial, family, living situation, leisure/recreation, companions, substance abuse, emotional/personal, and attitudes. The DOC's [FY 2011 Annual Report](#) shows that the LSI-R score is directly tied to the recidivism rate.

The LSI-R assessment is administered every six months if the result of the Iowa Risk Reassessment indicates it is needed. The LSI-R risk categories are shown in Table Three below:

**Table Three**  
**LSI-R Risk Scores**

| Risk Score | Level of Risk |
|------------|---------------|
| 0 to 13    | Low           |
| 14 to 23   | Low/Moderate  |
| 24 to 33   | Moderate      |
| 34 to 40   | Moderate/High |
| 41+        | High          |

The CBC District Departments provide LSI-R scores on the Pre-Sentence Investigation report to Iowa judges on a limited basis. There are other risk assessment tools that the CBC District Departments utilize for specific offender populations, such as sex offenders. A discussion of those tools is beyond the scope of this *Issue Review*.<sup>5 6</sup>

### **Supervision Levels of the Offender Population**

Iowa Code chapter [901B](#) requires each CBC District Department to have an Intermediate Criminal Sanction Program that provides a corrections continuum as described below:

- The Plan must be approved by the Chief Judge of the Judicial District and District Department Director and be in accordance with rules adopted by the DOC.
- The District Departments may move an offender's supervision along the corrections continuum within certain parameters.
- The underlying sentencing policy of the Chapter is to provide the least restrictive sanctions available consistent with the maximization of public safety.

The following analysis is based on statistical reports generated from the ICON for September 2012. The District Departments have the following supervision levels based on offender risks. The level of risk is a determining factor in setting caseload sizes and contact standards, and therefore staffing levels.

Low Risk Probation/Minimum Risk Program – Low-risk offenders are diverted from standard supervision so that staff can address high-risk offenders in a cost-effective manner. Program descriptions vary across the CBC District Departments but offenders are monitored at a minimal level to ensure completion of court-ordered sanctions. Generally, parolees, sex offenders, high needs offenders, violent offenders, and those with serious charges pending are not accepted into these programs. The Fourth and Seventh CBC District Departments do not have low or minimum risk programs.

Standard Probation – Convicted offenders are placed on supervision by the court, usually with a suspended jail or prison sentence. Offenders are assessed, have a case plan, and must comply with treatment requirements if assessed as needing treatment. Probation officers monitor compliance with supervision requirements, work with the offenders to correct their behavior, and report to the court.

Standard Parole – Offenders granted a parole from prison or a work release facility by the Board of Parole are assessed, have a case plan, and must comply with treatment requirements if assessed as needing treatment. Parole officers monitor compliance with supervision requirements, work with the offenders to correct their behavior, and report to the Board of Parole.

Both Standard Probation and Parole have several supervision specialties, including new admissions, administrative, low normal, and minimum. These supervision levels are dependent on the risk and needs of the offenders and the supervision requirements and staffing needs vary accordingly.

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<sup>5</sup> For additional information regarding risk assessments, please refer to the [PEW Center on the States Report: Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders](#) published September 20, 2011. The [National Center for State Courts](#) published in 2011 [Using Offender Risk and Needs Assessment Information at Sentencing](#) that describes methods of using risk assessments at the time of sentencing to reduce recidivism.

<sup>6</sup> For additional information regarding research specific to Iowa, see the [DOC website](#) and click on [Publications/Reports](#) or [Research](#), or the Department of Human Rights Criminal and Juvenile Justice Planning Division ([CJJPD](#)) and click on [Publications](#).

High Normal and Intensive Supervision (ISP) – Offenders assessed as high-risk require more supervision than those on Standard Probation or Parole. These offenders are subject to increased contact standards, frequent home visits, curfews, surveillance, and may be required to wear an electronic monitoring device. These offenders are usually involved in treatment programs to address their specific needs. Staff that monitors a high-risk caseload has fewer offenders to supervise so as to document compliance with the contact standards.

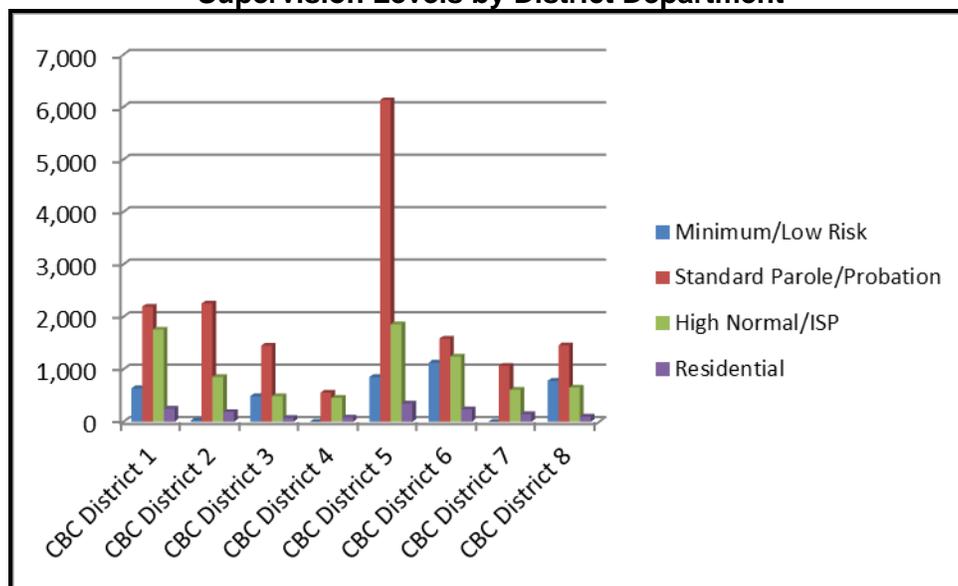
Residential Facilities – Offenders may be placed in residential facilities by the court (probation or pretrial release), the Parole Board (parole or work release), the corrections continuum, or by the [U.S. Bureau of Prisons](#) if a District Department has a contract to house federal prisoners. Residential facilities provide a structured environment for high-risk/needs offenders that include employment, financial management for court-ordered responsibilities, community service work, and participation in education and treatment programs. Other services may be provided if indicated by the risk assessment.

There are currently 1,461 beds statewide and the facilities are usually at capacity. There is typically a waiting list of 600 offenders. The General Assembly authorized construction of 177 additional residential facility beds over the last several years. Those new facilities/additions have been constructed but are not in use pending state appropriations of operating funds for:

- First CBC District Department – Waterloo – 45 beds for women.
- Third CBC District Department – Sioux City – 42 beds for men.
- Sixth CBC District Department – Cedar Rapids – 26-bed ANCHOR Mental Health Treatment Center. Construction is completed and certain operating funds have been provided.
- Seventh CBC District Department – Davenport – 39 beds for men.
- [Eighth CBC District Department](#) – Ottumwa – 25 beds for men.

**Chart Four** shows the number of offenders supervised by level of supervision by each CBC District Department.

**Chart Four**  
**Supervision Levels by District Department**



**Table Four** on the next page shows the data for each CBC District Department by supervision level.

**Table Four  
Supervision Levels by District Department**

|                | Minimum /Low Risk | Standard Parole/Probation | High Normal /ISP | Residential  | Total         | Statewide Percentage |
|----------------|-------------------|---------------------------|------------------|--------------|---------------|----------------------|
| CBC District 1 | 829               | 1,895                     | 1,771            | 278          | 4,773         | 15.80%               |
| CBC District 2 | 32                | 2,217                     | 830              | 194          | 3,273         | 10.83%               |
| CBC District 3 | 474               | 1,363                     | 581              | 77           | 2,495         | 8.26%                |
| CBC District 4 | 0                 | 524                       | 478              | 73           | 1,075         | 3.56%                |
| CBC District 5 | 2,057             | 4,940                     | 2,113            | 302          | 9,412         | 31.15%               |
| CBC District 6 | 1,135             | 1,503                     | 1,303            | 234          | 4,175         | 13.82%               |
| CBC District 7 | 0                 | 1,085                     | 632              | 141          | 1,858         | 6.15%                |
| CBC District 8 | 811               | 1,463                     | 760              | 123          | 3,157         | 10.45%               |
| <b>Total</b>   | <b>5,338</b>      | <b>14,990</b>             | <b>8,468</b>     | <b>1,422</b> | <b>30,218</b> | <b>100.00%</b>       |
| Percentages    | 17.66%            | 49.61%                    | 28.02%           | 4.71%        |               |                      |

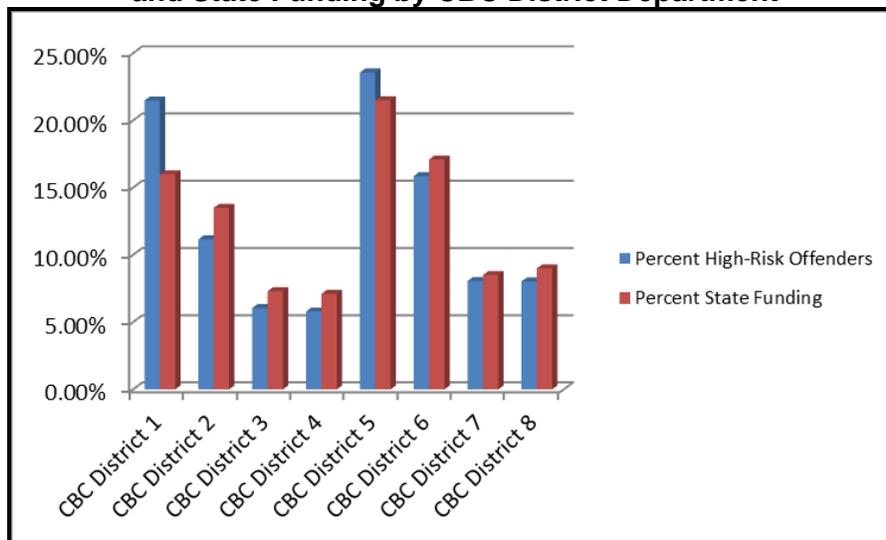
There were 13 offenders assigned to the Interstate Compact and supervised by the DOC Central Office.  
 There was one offender assigned to the Clarinda Treatment Unit.  
 There were three offenders assigned to residential placement but not included in any District Department total.

The Fifth CBC District Department has 31.2% of all offenders supervised statewide in Iowa. It also has the most offenders in every supervision level. The Fourth and Seventh CBC District Departments have no offenders assigned to the Minimum Risk Program or Low Risk Probation.

Residential placement is the most expensive option in CBC supervision and only 4.7% of the offenders are supervised at this level. The majority of offenders in field services are supervised at the standard or high-risk level.

**Chart Five** shows the number of high-risk offenders by State funding by District Department. The number of high-risk offenders includes those assessed as high normal, intensive supervision, or residential. The percentage of high-risk offenders under supervision was used in this analysis because they have higher risks and needs, and require more resources to supervise than do lower-risk cases. These offenders are also more likely to be revoked to State prison if they fail supervision in CBC.

**Chart Five  
Percentage of High-Risk Offenders Supervised  
and State Funding by CBC District Department**



As shown in **Chart Five** above and **Table Five** below, the smaller CBC District Departments (those with the least amount of high-risk offenders and state funding) appear to have a somewhat close linkage between the statewide percentage of offenders supervised and the statewide percentage of funds. There is significant variation in the First and Fifth CBC District Departments that have 45.1% of the statewide total of high-risk offenders under supervision, but have 37.3% of the total statewide funding. There does not appear to be any direct correlation between State funding and the number of offenders supervised by the CBC District Departments. However, there are other factors to consider besides the number of offenders supervised, such as recidivism rates of the District Departments.

**Table Five**  
**Percentage of High-Risk Offenders Supervised**  
**and State Funding by District Department**

|                | % High-Risk<br>Offenders | % State<br>Funding | % State Funding<br>vs. % High-<br>Risk Offenders |
|----------------|--------------------------|--------------------|--------------------------------------------------|
| CBC District 1 | 20.72%                   | 15.90%             | -4.82%                                           |
| CBC District 2 | 10.35%                   | 13.30%             | 2.95%                                            |
| CBC District 3 | 6.65%                    | 7.70%              | 1.05%                                            |
| CBC District 4 | 5.57%                    | 6.70%              | 1.13%                                            |
| CBC District 5 | 24.42%                   | 21.40%             | -3.02%                                           |
| CBC District 6 | 15.54%                   | 17.30%             | 1.76%                                            |
| CBC District 7 | 7.82%                    | 8.50%              | 0.68%                                            |
| CBC District 8 | 8.93%                    | 9.20%              | 0.27%                                            |
|                | <u>100.00%</u>           | <u>100.00%</u>     | <u>0.00%</u>                                     |

See **Attachment A** for charts of each CBC District Department's offender population by supervision levels.

### **Recidivism Rates of the CBC District Departments**

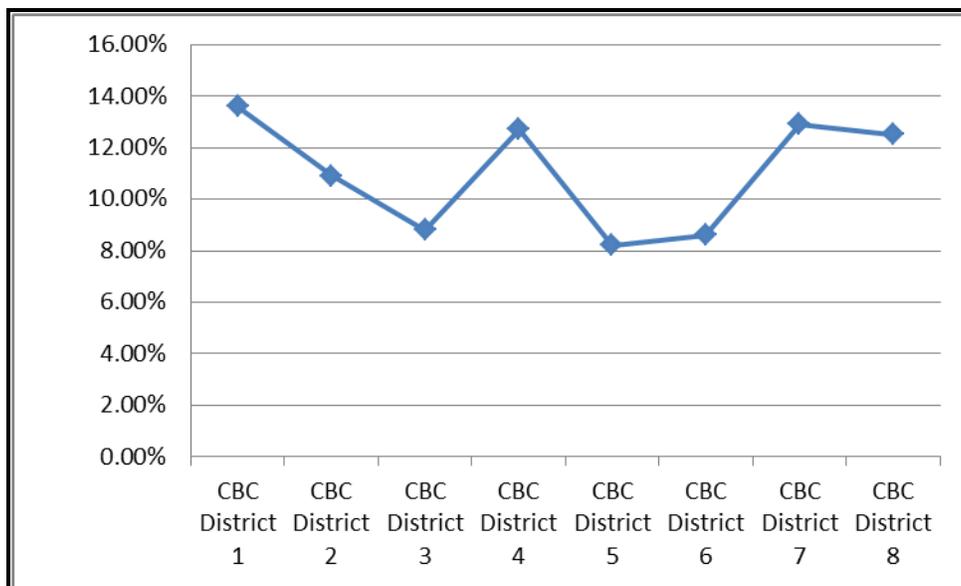
The DOC defines recidivism as subsequent convictions for felonies or aggravated misdemeanors of offenders discharged (final closure) from correctional supervision over a certain time frame. Most States track recidivism as a return to prison; probation recidivism is not always included.<sup>7</sup>

The DOC provided the Legislative Services Agency (LSA) with a [Justice Data Warehouse Report](#) that tracked convictions for offenders released from final supervision for two years (FY 2010 and FY 2011). This document includes both offenders on parole or probation supervision to the CBC District Departments. **Chart Six** shows the recidivism rate by CBC District Department.<sup>8</sup>

<sup>7</sup> See the Council of State Governments Justice Center report, "[States Report Reductions in Recidivism](#)" published September 2012 for a discussion of recidivism definitions, recidivism rates and reduction strategies, and comparing recidivism rates between states.

<sup>8</sup> The State population information is from the [State Data Center of Iowa's 2010 Census data](#).

**Chart Six**  
**Recidivism Rate by CBC District Department**



Based on **Chart Six** above and **Table Six** below, there does not appear to be any direct correlation between recidivism rates, State funding, the percentage of high-risk offenders under supervision, or any significant relationship to the percentage of the State population.

**Table Six**  
**Recidivism Statistic Comparisons**

|                | Recidivism Rate | % State Funding | % High Risk Offenders | % of Total State Population |
|----------------|-----------------|-----------------|-----------------------|-----------------------------|
| CBC District 1 | 13.60%          | 15.90%          | 20.72%                | 12.19%                      |
| CBC District 2 | 10.90%          | 13.30%          | 10.35%                | 14.98%                      |
| CBC District 3 | 8.80%           | 7.70%           | 6.65%                 | 10.71%                      |
| CBC District 4 | 12.70%          | 6.70%           | 5.57%                 | 6.18%                       |
| CBC District 5 | 8.20%           | 21.40%          | 24.42%                | 23.46%                      |
| CBC District 6 | 8.60%           | 17.30%          | 15.54%                | 13.96%                      |
| CBC District 7 | 12.90%          | 8.50%           | 7.82%                 | 9.70%                       |
| CBC District 8 | 12.50%          | 9.20%           | 8.93%                 | 8.83%                       |
|                |                 | <u>100.00%</u>  | <u>100.00%</u>        | <u>100.00%</u>              |

The recidivism rate does not always reflect offenders that may have committed a new crime and been convicted out of state. Also, recidivism rates are impacted by the availability of and access to local resources to address offender needs such as, for example, employment, mental health, and substance abuse treatment. The local criminal justice community, including judges, law enforcement, county attorneys, CBC District Directors and their staff, also has a role inasmuch as community tolerance for antisocial behavior impacts the recidivism rate.

How CBC District Departments manage their low-risk caseloads also impacts the recidivism rate. If low-risk offenders are not under supervision, by definition they cannot recidivate. Conversely, low-risk offenders are less likely to recidivate, so maintaining their supervision

status may decrease the recidivism rate. On the other hand, supervising low-risk offenders at a level higher than required by their level of risk is more likely to cause them to recidivate.<sup>9 10</sup>

### **Other States**

According to the [Association of State Correctional Administrators](#), Iowa's CBC system is unique with a blending of local control and State oversight. The National Conference of State Legislatures (NCSL) provided a report on the [Location of Correctional Supervision Services Within State Governments](#). There are 37 states with community-corrections acts; other states provide similar services but the authority to do so is not codified in a designated chapter.<sup>11</sup>

**Table Seven** below shows the results of an informal survey conducted by the LSA.

**Table Seven**  
**Supervision of Parole and Probation in Surrounding States**

| <u>State</u> | <u>Supervision of Parole</u>                                                                                                             | <u>Supervision of Probation</u>                                                                                                          |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Indiana      | Department of Corrections (IDOC) funded by the State General Fund.                                                                       | Judicial Branch primarily funded by property taxes and fees.                                                                             |
| South Dakota | Department of Corrections funded by the State General Fund.                                                                              | Judicial Branch funded by the State General Fund.                                                                                        |
| Missouri     | Department of Corrections (MDOC). Parole and probation and funded primarily by the State General Fund.                                   | MDOC. Residential Facilities are primarily funded by fees.                                                                               |
| Nebraska     | Department of Correctional Services (NDOCS) funded by the State General Fund.                                                            | Judicial Branch funded by the State General Fund.                                                                                        |
| Wisconsin    | Department of Corrections' Division of Community Corrections funded by the State General Fund                                            | Department of Corrections' Division of Community Corrections funded by the State General Fund                                            |
| Minnesota    | Uses three systems to deliver services for parole and probation. A mix of state and county funding is used to provide specific services. | Uses three systems to deliver services for parole and probation. A mix of state and county funding is used to provide specific services. |
| Illinois     | Department of Corrections (IDOC) funded by the State General Fund.                                                                       | Judicial Branch primarily funded by property taxes and fees and State General Fund                                                       |
| Kansas       | Kansas Department of Corrections (KDOC) funded primarily by the State General Fund.                                                      | KDOC funds community corrections programs through a competitive grants process.                                                          |

<sup>9</sup> Refer to the DOC's [Iowa Recidivism Report: Prison Return Rates](#) for Iowa data regarding prison recidivism trends, rates, and demographics published in June 2010. Page 19 of the report shows recidivism rates by prison and CBC District Departments' residential facilities.

<sup>10</sup> Refer to the [PEW Center on the States: State of Recidivism](#) published in April 2011 for a State-by-State comparison of recidivism to State prisons, methods of impacting recidivism, such as sentencing policy and community-based corrections, and successful reentry options. Refer to the Council of State Governments 2011 report: [A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism](#) for an in-depth discussion of how to lower recidivism.

<sup>11</sup> Refer to the [Center for Community Corrections](#) website for more information regarding administrative structures of community-based corrections.

All of the states use a risk assessment tool that has either been validated or is in the process of being validated on its corrections population. The definition of recidivism varies between branches of government within a state as well as between states. Minnesota has a complex system of delivering community supervision. The [Minnesota Correctional Delivery Systems](#) report provides a brief synopsis of its community-based corrections structure.

## **BUDGET IMPACT**

### **CBC Population Forecast**

The Criminal and Juvenile Justice Planning Division (CJJPD) of the Iowa Department of Human Rights does not forecast the CBC populations. The following information was prepared by the LSA using the compound annual percentage growth rates. The growth rate for the CBC population since FY 1990 has been 2.6%. Using this compound annual rate of growth, the CBC population will be approximately 38,500 offenders by the end of FY 2022, an increase of 8,700 offenders, or 29.0%.

If the CBC population reaches 38,500 offenders in 10 years, the General Fund appropriation will need to increase to maintain the current level of service. Assuming the current ratio of offenders to funding is adequate to meet the risks and needs of offenders supervised in local communities, by FY 2022, the CBC District Departments will need a budget of approximately \$104.7 million, an increase of \$23.5 million (29.0%) compared to the estimated FY 2012 General Fund appropriation. Factoring inflation into the projection results in a budget estimated need of \$128.8 million by FY 2022, an increase of \$47.6 million (58.6%) compared to the FY 2012 General Fund appropriation for the CBC District Departments.<sup>12</sup>

The population and budget projection are minimum estimates and do not reflect the impact of special sentences for sex offenders. The special sentences were enacted in 2005 for certain sex offenders and take effect after the original imposed sentence has been served. The impact on the CBC population due to increased length of stay in the system for these offenders is now occurring.<sup>13</sup>

### **Prison Population Forecast**

Iowa's CBC system serves as an alternative to State prison incarceration. The CJJPD released the Iowa Prison Population Forecast FY 2011 – FY 2021 in November 2011. If current offender behaviors and justice system trends, policies, and practices continue, Iowa's prison population may be expected to increase from 8,778 inmates on June 30, 2011, to 11,330 by June 30, 2021. By FY 2021, without any additional prison beds, overcrowding is expected to reach 147.8% of design capacity. This figure is based on the assumption that the additional beds authorized during the 2008 Legislative Session for Fort Madison and Mitchellville will be operating by FY 2021.

If the prison population reaches 11,330 inmates, three additional 800-bed prisons will need to be built, in addition to the expansions authorized at Fort Madison and Mitchellville. If three additional prisons are built over the next decade, projected design capacity will be 10,066 beds with a projected population of 11,330 offenders; the prison system would be operating at 112.6% of capacity. The cost of one 800-bed prison with a mix of medium and minimum custody levels is approximately \$85.0 million in construction costs; construction of three such prisons would be approximately \$255.0 million. Operating costs are estimated to be at least \$30.0 million annually per prison.

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<sup>12</sup> See the [Oregon State University website](#) for Consumer Price Index (CPI) conversion factors dating from 1774 to 2022.

<sup>13</sup> Refer to the November 2011 [Iowa Prison Population Forecast FY 2011 – FY 2021](#) for CJJPD's discussion of the impact of special sentences for sex offenders.

The projected increase in the State prison population will put pressure on the CBC system to manage more offenders through parole or work release.<sup>14</sup>

### **ALTERNATIVES**

Each CBC District Department is independent of the others and the State DOC and has its own operating policies and procedures. Additionally, the management of workload in each of the CBC District Departments is influenced by local outside factors, such as variation in sentencing patterns across the State, local law enforcement and county attorney policies, as well as access to treatment for offender needs (e.g., mental health and substance abuse).

The General Assembly may wish to consider funding the CBC District Departments using a workload formula that factors in the number of offenders under supervision, the risk and needs of the offender population, and recidivism rates for specific programs. The General Assembly may also wish to consider using justice reinvestment strategies to maintain public safety while increasing efficiencies in the justice system.<sup>15</sup>

Some CBC District Departments divert offenders to Level One in Iowa Code chapter 901B (non-CBC supervision) based on offense class (such as serious misdemeanor) or offense (such as Operating While Intoxicated – OWI). This frees up resources to staff higher-risk cases. Other CBC Districts maintain caseloads of low-risk offenders. This implements the “just desserts” philosophy of criminal sentencing as well as provides an opportunity for the District Departments to collect fees from the offenders. It also may skew the recidivism rate by inflating the number of offenders supervised compared to the number of offenders revoked. The variety of supervision levels may increase sentencing disparity across the State for low-risk cases. Legislators may want to review how low-risk offenders are managed across the State in terms of policy implications as well as funding.

The General Assembly may also wish to consider the following alternatives to slow the growth rate of the offender population (both in prisons and CBCs) as well as State spending, while maintaining public safety:

- Repeal or reduce mandatory minimum term criminal sentences. About 23.8%, or 1,975 offenders, are serving a mandatory minimum sentence, where a certain number of years must be served in prison before the offenders are eligible for consideration by the Board of Parole for release. Approximately 755 of these offenders are serving a mandatory minimum term for drug convictions. Modifying or eliminating certain mandatory minimum terms would provide a larger pool of offenders for the Board of Parole to consider for release to parole. If more offenders were paroled, the CBC population would most likely increase. The average cost per day for CBC supervision varies by the supervision level. However, the average cost per day for CBC supervision (\$3.49 per day) is significantly less than the marginal cost for the State prisons (\$15.59). While there may not be a direct savings for the prison system’s operating budget, there would be a decrease in the need for additional resources.<sup>16</sup>
- Ease habitual offender laws. There are approximately 474 offenders in prison serving time under Iowa’s habitual offender law. This is a sentencing enhancement that may be imposed on offenders previously convicted of two felonies. The felony convictions need not be for the same offense. The habitual offender law may also be imposed on offenders sentenced

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<sup>14</sup> Refer to the NCSL October 2011 report [Justice Reinvestment](#) for additional alternatives to incarcerating offenders while maintaining public safety.

<sup>15</sup> See [Data-Driven Decisionmaking for Strategic Justice Reinvestment](#) published by the Urban Institute in May 2012. Also review the Urban Institute’s [website](#) for reports on [Justice Reinvestment at the local level](#).

<sup>16</sup> Refer to the CJJD March 3, 2011 report to the Public Safety Advisory Board, [Outcomes of Mandatory Minimum Sentences for Drug Traffickers](#).

to an enhanced penalty, such as Operating While Intoxicated, resulting in an enhancement of an enhanced sentence. The habitual offender law may result in sentencing disparity across the State, where offenders with similar criminal histories receive significantly different sentences. Based on data provided by the DOC, implementation of the habitual offender law may be contributing to disproportionate confinement of minorities. Approximately 34.2% of habitual offenders in prison are black, while 26.1% of the total prison system is black. The same cost considerations apply to this alternative as those for mandatory minimum terms.

- Enhance judicial discretion in criminal sentencing. Iowa has a mixed sentencing structure, where judges have discretion in certain cases and must impose a mandatory minimum sentence in other cases. This alternative goes hand in hand with the two previous alternatives.
- Expand drug and mental health treatment availability. About 84.0% of the CBC population and 70.0% of the prison population have alcohol or substance abuse treatment needs. A significant portion of the corrections system population has mental health needs. Making treatment more readily available in the local communities may reduce the recidivism rate, and reduce the corrections population over the long-term.<sup>17 18 19</sup>
- Increase alternatives for technical violators of conditions of parole and probation. Alternatives to prison and jail, such as inpatient substance abuse treatment, may reduce the corrections population.
- Review special sentences for sex offenders. According to the CJJPD, return to prison for violations of special sentence (not a new sex offense) is expected to be a significant factor in the projected future growth of the prison population.<sup>20</sup>
- Implement incentive funding for those CBC District Departments that lower their return rate to prison.<sup>21</sup>

Each of these alternatives may impact the budgets and workloads of the Judicial Branch, Office of the State Public Defender, the DOC and CBC District Departments, as well as local law enforcement and county jails and prosecutors. However, the alternatives may slow the rate of growth in corrections spending or provide a means of future cost avoidance.<sup>22 23 24</sup>

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<sup>17</sup> Refer to the DOC's [FY 2011 Annual Report](#) for more information regarding offender treatment needs.

<sup>18</sup> See the VERA Institute of Justice Report, "[Closing the Gap Using Criminal Justice and Public Health Data to Improve the Identification of Mental Illness](#)" published July 2012 for a discussion of data sharing opportunities between local corrections and public health departments to improve services and outcomes to offenders.

<sup>19</sup> See the Council of State Governments Justice Center report, "[Adults with Behavioral Health Needs Under Correctional Supervision](#)" published in September 2012 for a discussion of the Criminogenic Risk and Behavioral Health Needs Framework. This framework was developed to supervise and treat offenders with mental health and substance abuse treatment needs so as to improve public safety and public health at the local level.

<sup>20</sup> Refer to the CJJPD's [Iowa Prison Population Forecast FY 2011 – FY 2021](#) for an in-depth discussion of special sentences.

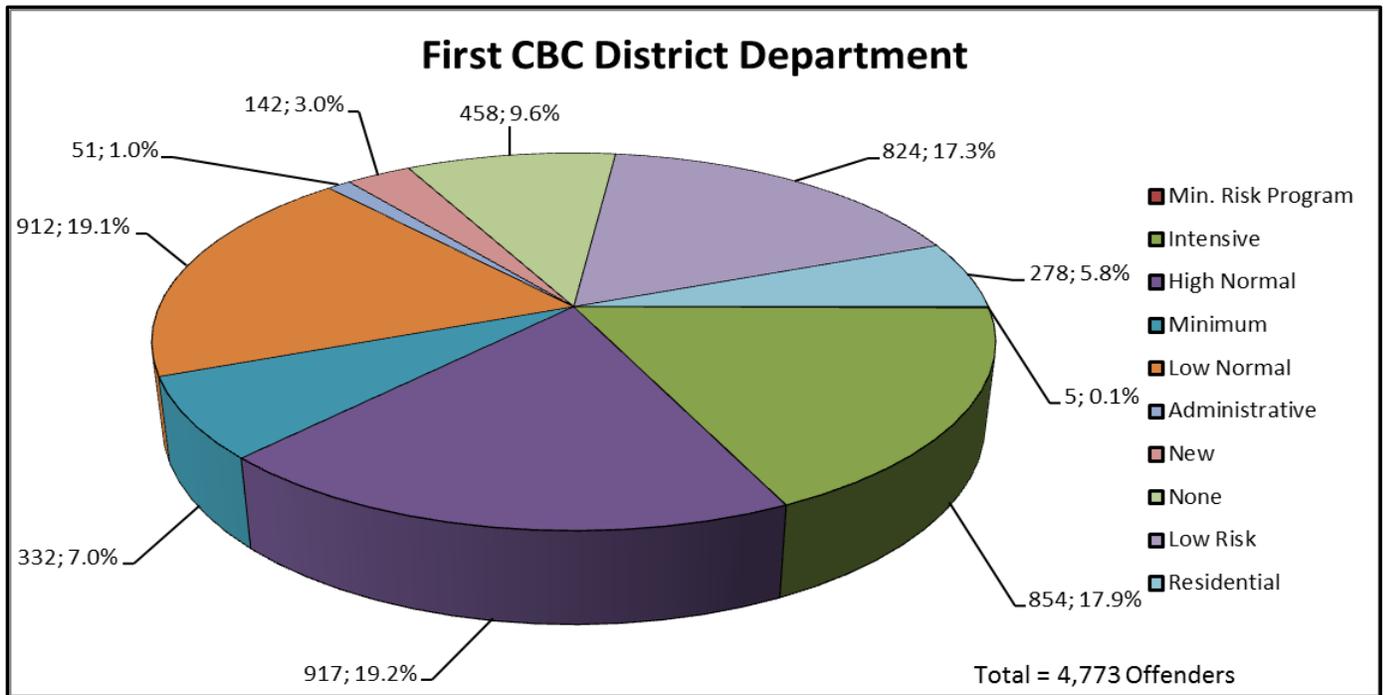
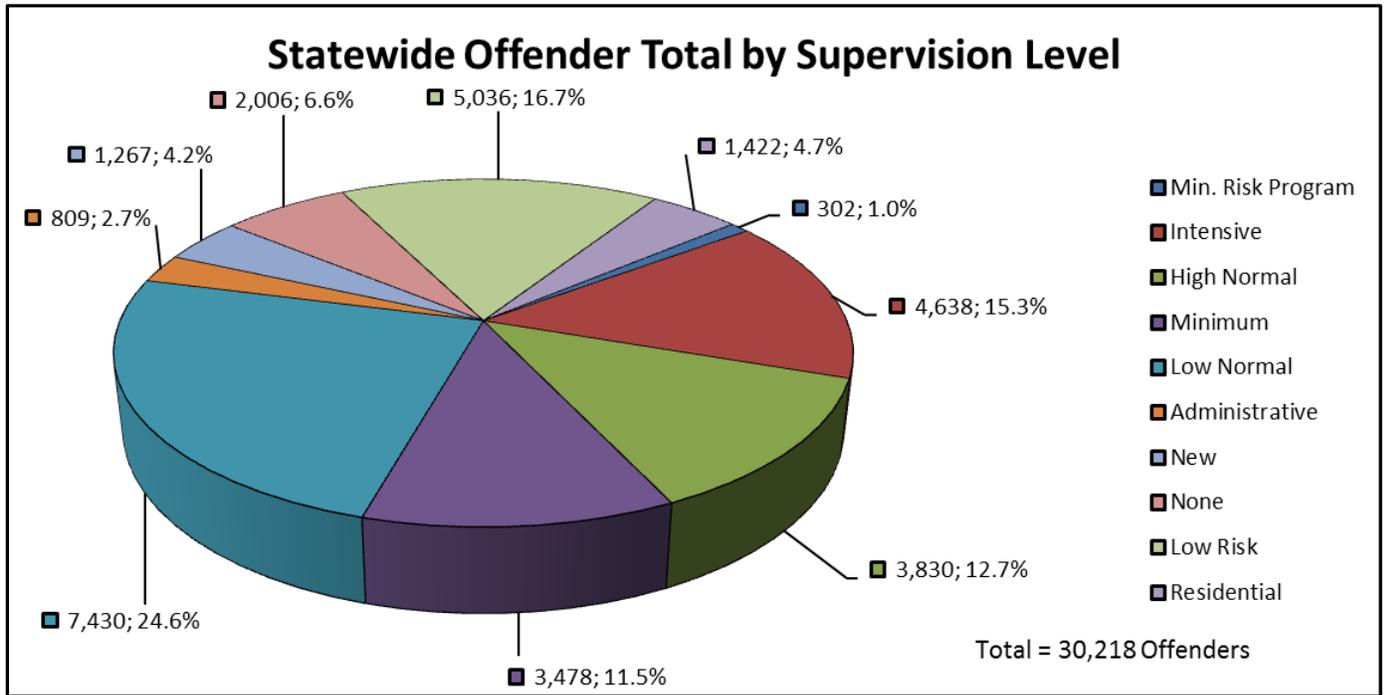
<sup>21</sup> See NCSL's 2010 report [Innovations In Community Corrections](#) for more information regarding this alternative.

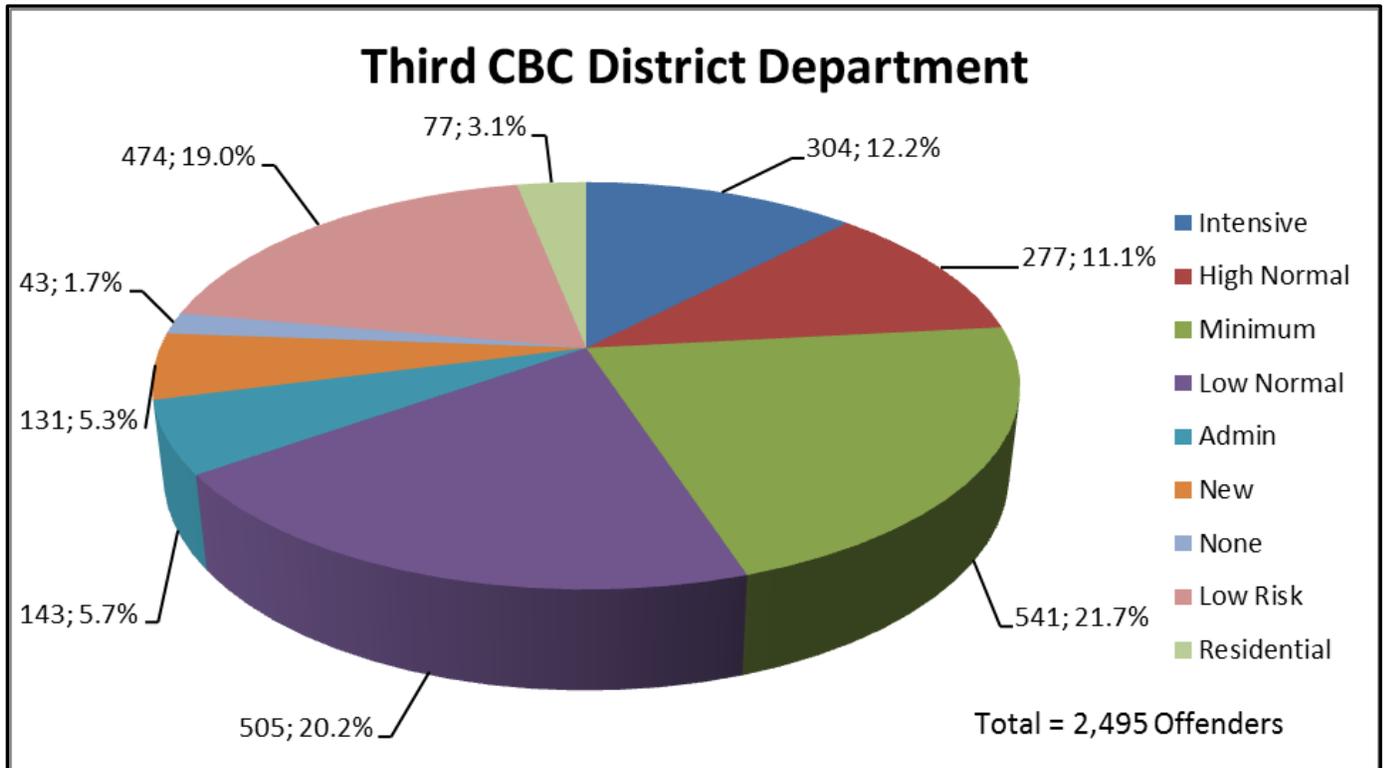
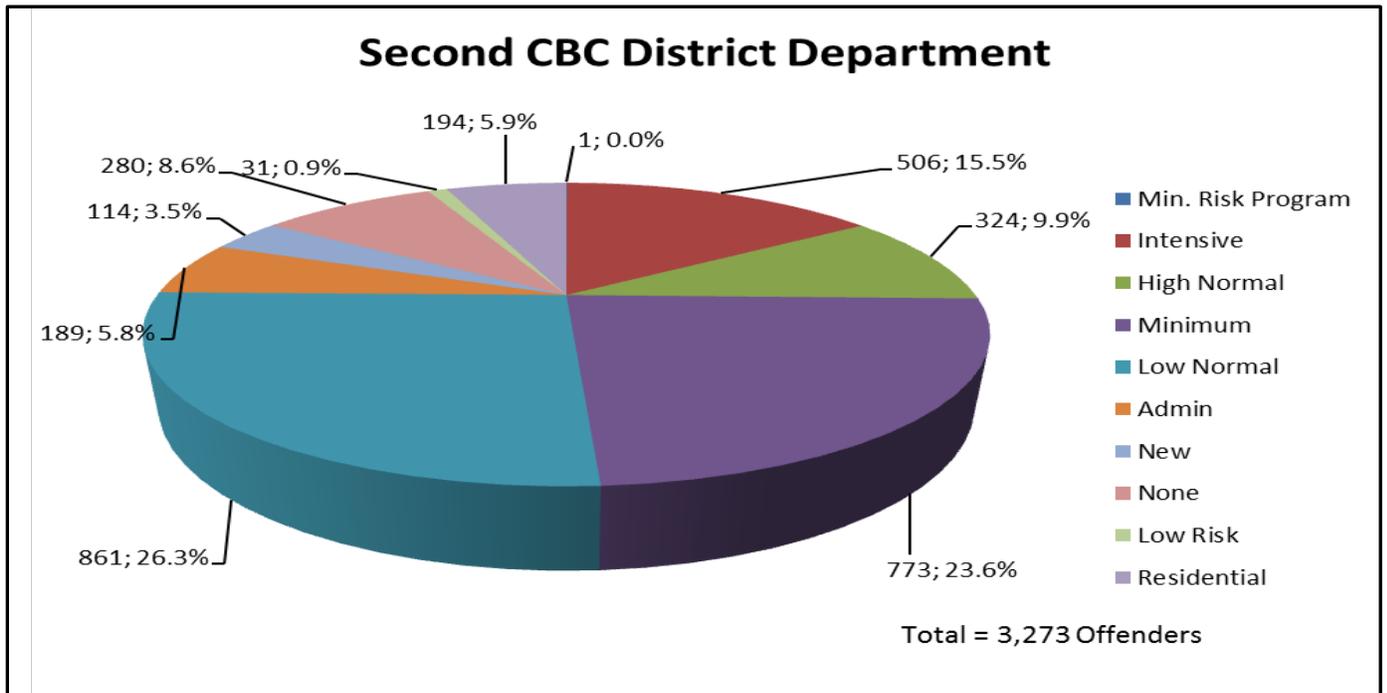
<sup>22</sup> Refer to the NCSL August 2011 report [Principles of Effective Sentencing and Corrections Policy](#) for a discussion of policy options, sentencing strategies, supervision levels in the community, funding strategies, treatment options, evidence-based practices, preventing crime, and reducing recidivism and victimization.

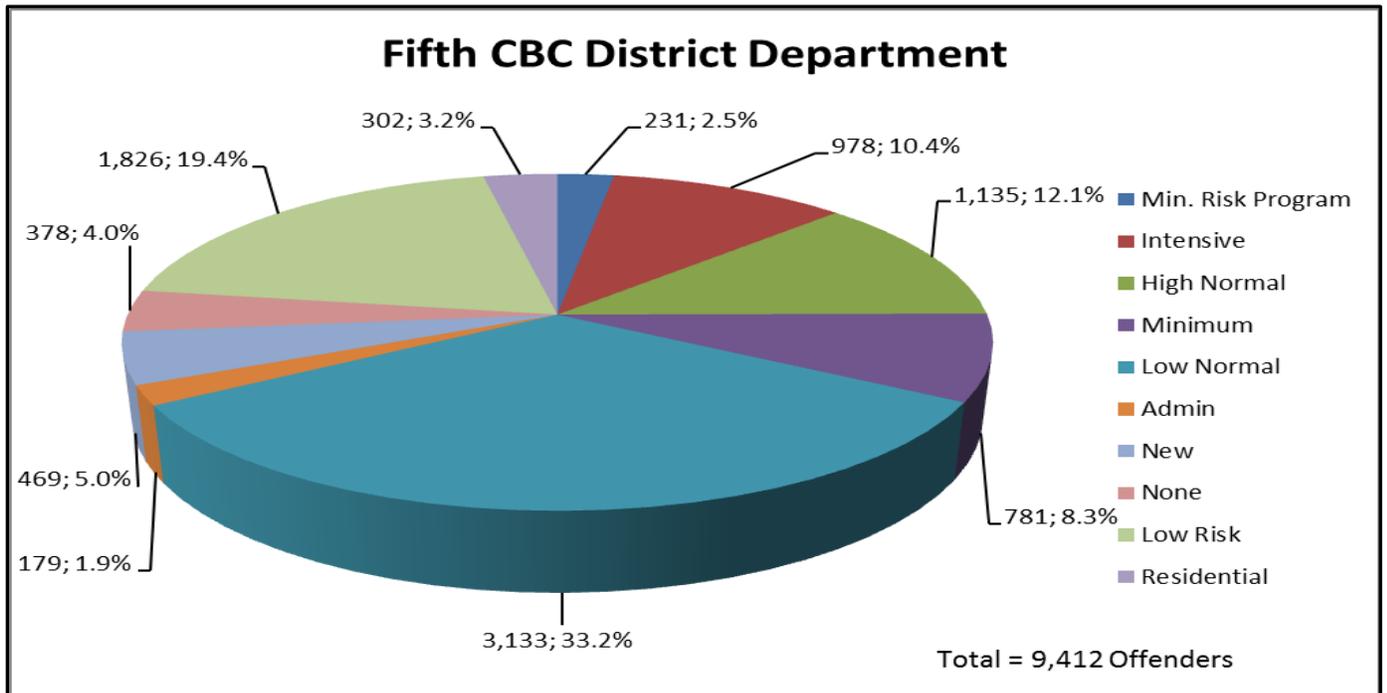
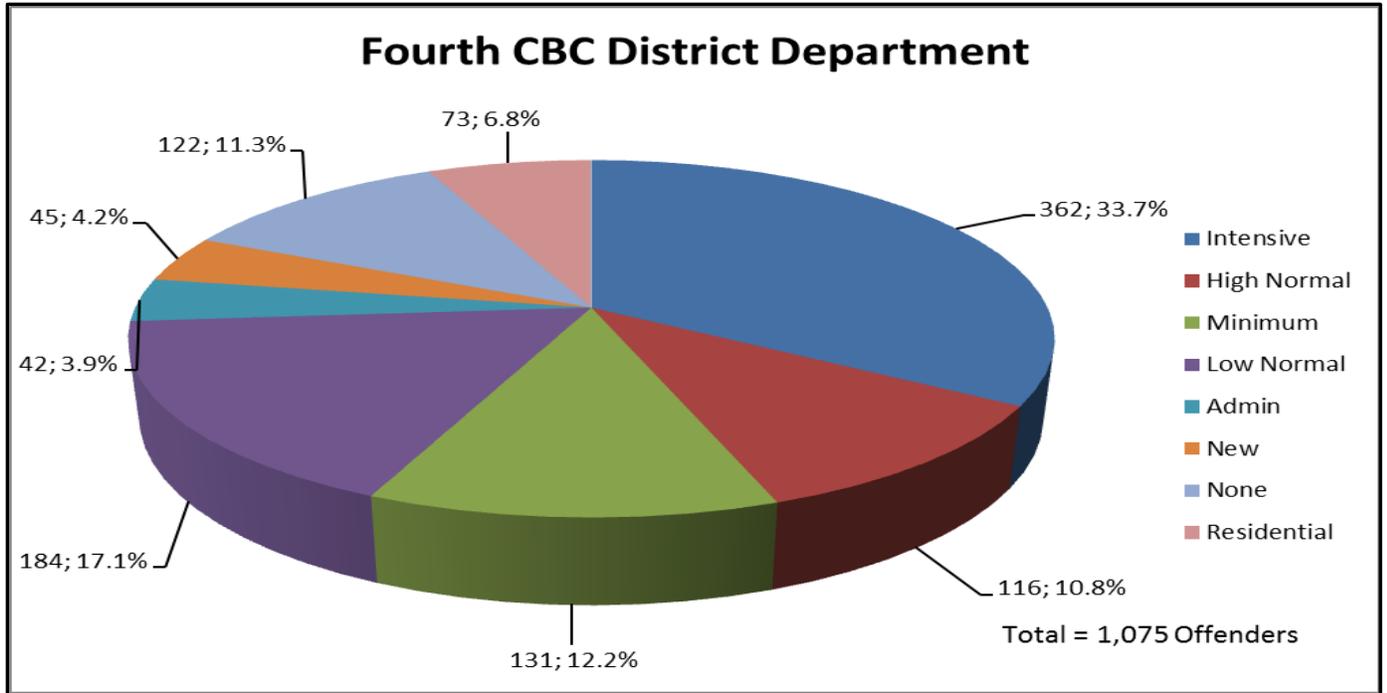
<sup>23</sup> Refer to the National Governors Association October 27, 2011 Issue Brief: [State Efforts in Sentencing and Corrections Reform](#) for a discussion of successful strategies on reducing recidivism while improving community safety.

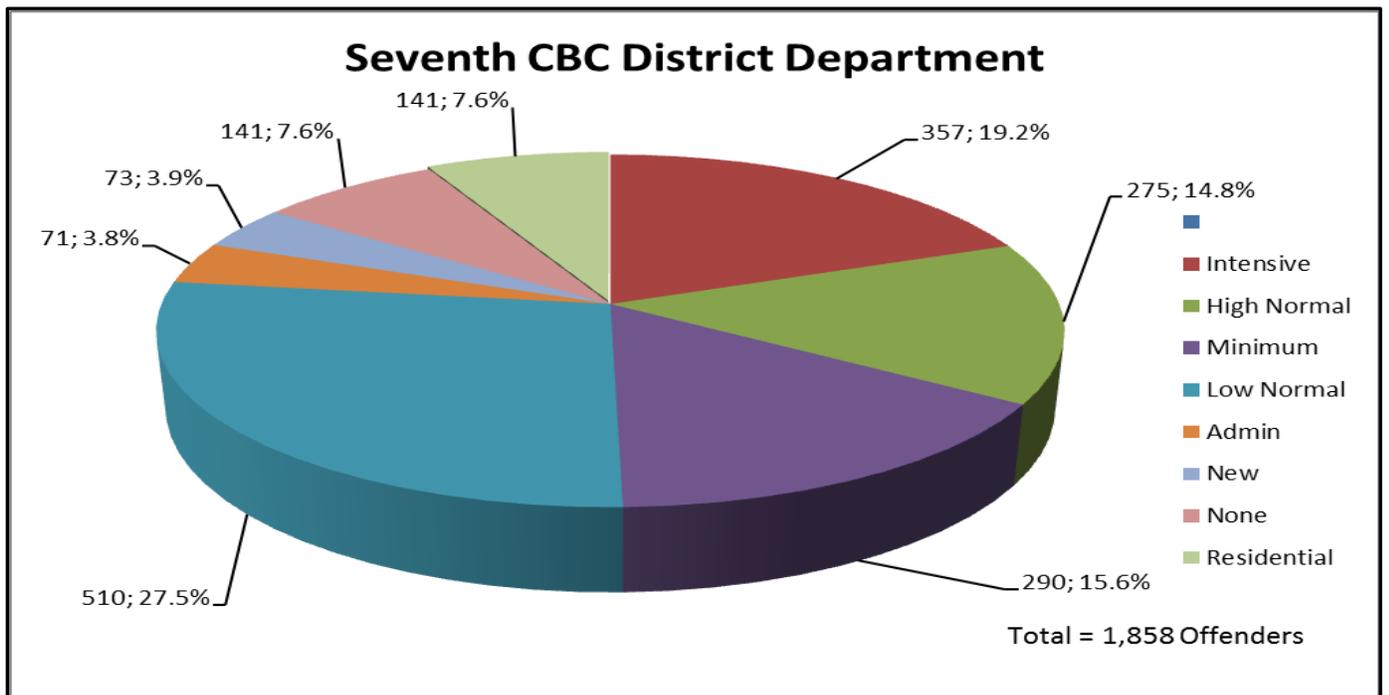
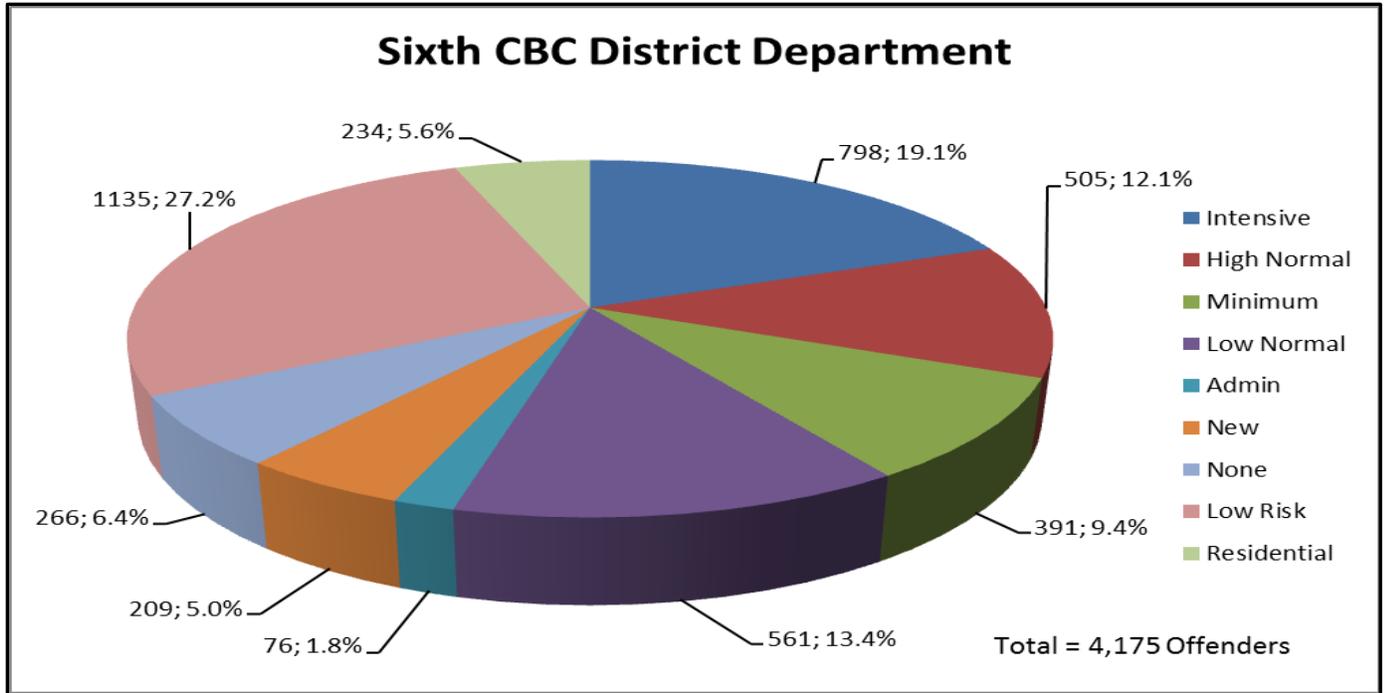
<sup>24</sup> See the VERA Institute of Justice report "[Realigning Justice Resources: A review of Population and Spending Shifts in Prison and Community Corrections](#)" published September 2012 for a discussion of successful strategies aimed at reducing recidivism and corrections populations.

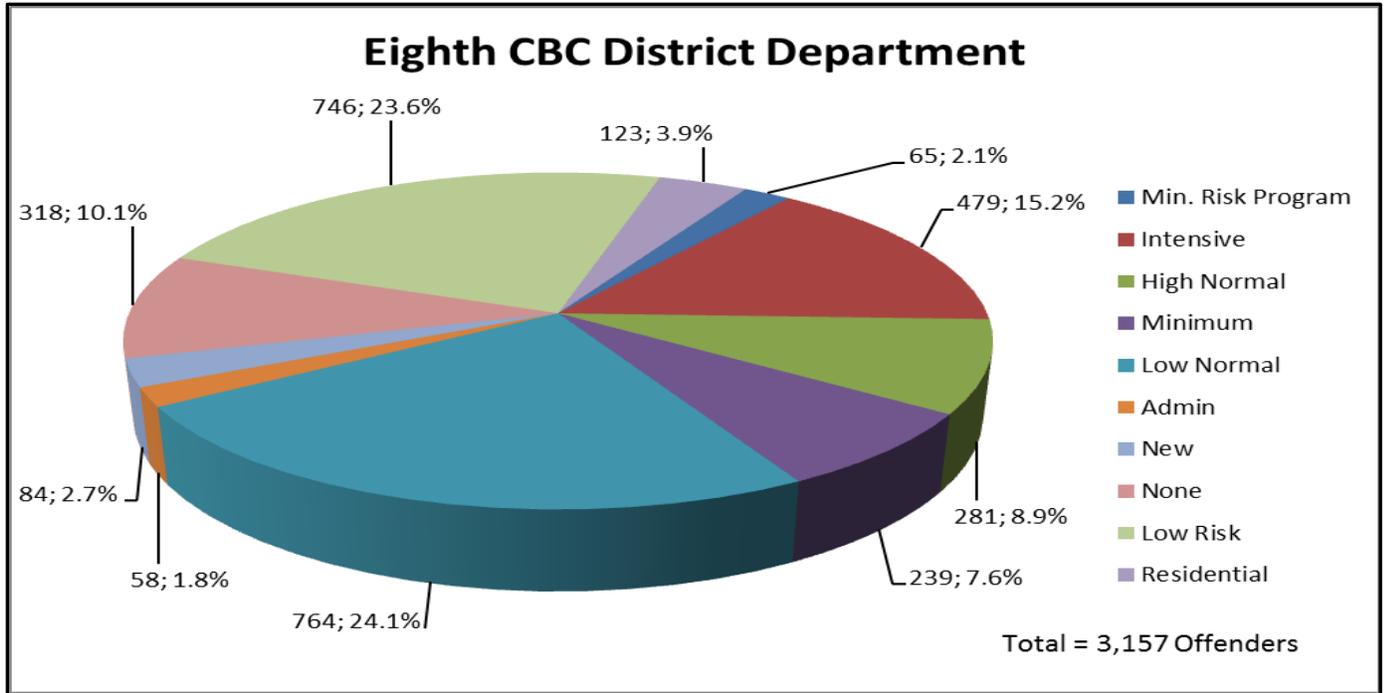
### CBC Offender Population by Supervision Level













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### Community Correction Statutory Authorization

The primary statutory citations relating to community corrections are listed below. Additional relevant provisions may be located within the cited the chapter or section. "N/A" indicates no statute found explicitly relating to community corrections.

| State          | Citation                                | Notes                                                                                                        |
|----------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Alabama        | §15-18-171.1                            |                                                                                                              |
| Alaska         | N/A                                     |                                                                                                              |
| Arizona        | §41-1613                                |                                                                                                              |
| Arkansas       | §12-27                                  |                                                                                                              |
| California     | Cal Pen Code §6250, §6241               |                                                                                                              |
| Colorado       | §17-27-101                              |                                                                                                              |
| Connecticut    | §18-101i, §18-31a                       |                                                                                                              |
| Delaware       | N/A                                     | May be administered at <a href="#">agency level</a>                                                          |
| Florida        | §944.026, §944.033, §948.10, §948.51    |                                                                                                              |
| Georgia        | N/A                                     |                                                                                                              |
| Hawaii         | §353-6                                  |                                                                                                              |
| Idaho          | N/A                                     |                                                                                                              |
| Illinois       | N/A                                     |                                                                                                              |
| Indiana        | §11-12                                  |                                                                                                              |
| Iowa           | §905                                    |                                                                                                              |
| Kansas         | §75-5291                                |                                                                                                              |
| Kentucky       | §196.701                                |                                                                                                              |
| Louisiana      | §15:1131                                |                                                                                                              |
| Maine          | 34-A M.R.S. § 1210-A                    |                                                                                                              |
| Maryland       | §11-303                                 |                                                                                                              |
| Massachusetts  | ch. 211F, §2                            |                                                                                                              |
| Michigan       | §791.408                                |                                                                                                              |
| Minnesota      | §241.31; §241.32; 401.10                |                                                                                                              |
| Mississippi    | §47-5-8                                 |                                                                                                              |
| Missouri       | §217.777                                |                                                                                                              |
| Montana        | §53-30-313                              |                                                                                                              |
| Nebraska       | § 47-622                                |                                                                                                              |
| Nevada         | N/A                                     |                                                                                                              |
| New Hampshire  | N/A                                     | No relevant statute found but community corrections may be established at <a href="#">agency directive</a> . |
| New Jersey     | §30:1B-6                                | Authorizes Dept. of Corrections to create community-based facilities.                                        |
| New Mexico     | §33-9                                   | §33-9a provides for juvenile community corrections.                                                          |
| New York       | NY CLS Correc § 72-a                    |                                                                                                              |
| North Carolina | §164-42.2; §143B-273.14                 |                                                                                                              |
| North Dakota   | §54-23.3-04                             | <a href="http://www.ndcommunityservice.org/">http://www.ndcommunityservice.org/</a>                          |
| Ohio           | §2301.51; §5149.31; §5120.112; §5139.36 |                                                                                                              |
| Oklahoma       | 22-§988.3; 57-§ 509                     |                                                                                                              |



| State          | Citation                             | Notes                                                                                                                         |
|----------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Oregon         | §423.475                             |                                                                                                                               |
| Pennsylvania   | 42-§9903                             |                                                                                                                               |
| Rhode Island   | §12-19-2.2; §42-56-20.2; §42-56-20.3 |                                                                                                                               |
| South Carolina | §24-23-10; §24-23-30                 |                                                                                                                               |
| South Dakota   | §24-11A-1                            |                                                                                                                               |
| Tennessee      | §40-36                               |                                                                                                                               |
| Texas          | Tex. Gov't Code § 509.006            |                                                                                                                               |
| Utah           | N/A                                  | §17-22-5 provides authorization for alternative incarceration programs at the county level.                                   |
| Vermont        | §352                                 | Provides for community supervised sentence.                                                                                   |
| Virginia       | § 9.1-173                            | Community corrections related provisions revised in 2002 with SB12                                                            |
| Washington     | § 9.94A.700                          | <a href="http://www.doc.wa.gov/aboutdoc/communitycorrections.asp">http://www.doc.wa.gov/aboutdoc/communitycorrections.asp</a> |
| West Virginia  | §62-11C                              |                                                                                                                               |
| Wisconsin      | § 301.046                            | <a href="http://www.wi-doc.com/community.htm">http://www.wi-doc.com/community.htm</a>                                         |
| Wyoming        | §7-18                                |                                                                                                                               |