

FINAL REPORT
CURTAILING YOUTH AND GANG VIOLENCE STUDY COMMITTEE
January 1992

AUTHORIZATION AND APPOINTMENT

The Curtailing Youth and Gang Violence Study Committee was established by the Legislative Council and directed to solicit testimony from communities experiencing problems with violent gangs and youths, review actions which other states and communities have taken to curtail juvenile violence, and recommend cooperative efforts that local communities and the state can take to reduce youth and gang crimes.

The members of the Study Committee were:

Senator Ralph Rosenberg, Co-chairperson
Representative Gary Sherzan, Co-chairperson
Senator Donald Doyle
Senator Paul Pate
Senator Elaine Szymoniak
Senator Ray Taylor
Representative Tony Bisignano
Representative Marvin Diemer
Representative Dan Jay
Representative Janet Metcalf

COMMITTEE PROCEEDINGS

The Study Committee was authorized two meeting days. The meetings were held on October 11 and November 8, 1991. The following discussion briefly summarizes the testimony of individuals who presented information to the Study Committee. In accordance with the Study Committee's instructions for its final report, a more detailed listing of each recommendation to the Committee by each presenter is contained in the Appendix attached to this report.

October 11 Meeting

At its first meeting on October 11, the Study Committee invited representatives of law enforcement, juvenile service providers, juvenile court, juvenile detention facilities, the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights, community service providers, the educational

system, a prosecuting attorney, and other interested individuals to present testimony.

Sergeant Rick Gates and Sergeant Michael Leeper of the Des Moines Police Department provided information concerning the efforts of the Department to combat youth and gang violence. Sgt. Gates distributed information listing gang terminology and discussing gang activities within the state. Sgt. Gates provided statistics concerning the number of known gang members in Des Moines and the types of criminal offenses which they commit. Sgt. Leeper discussed his position as Youth Service Coordinator for the Department, which requires him to deal with placement issues for juveniles who need to be detained or who are currently within the system. Sgt. Leeper emphasized a need for rehabilitation facilities for juveniles. Sgt. Leeper responded to questions by noting that the legal procedures for placement of juveniles are not the problem, but rather the lack of available placement alternatives results in many difficulties.

Mr. Ezra Sillas, Juvenile Court Officer for the Fifth Judicial District, discussed his perspective as a juvenile court officer in Des Moines. Mr. Sillas stated that the current laws relating to juvenile delinquency are designed to meet the challenges presented by juveniles of past generations and do not rise to the level required for today's more sophisticated youth. He also noted that recent budget cuts have exacerbated the situation, as there is less time to devote to individual juveniles. Mr. Sillas noted that while the Special Complement Against Thugs (SCAT) Team of the Des Moines Police Department is a starting place, it is an insufficient method of dealing with the city's youth and gang violence problems. He recommended that state laws be strengthened and that programs such as that operated at Glen Mills (an out-of-state juvenile institution) need to be promoted. Mr. Sillas noted that the state juvenile facilities at Eldora and Toledo do not keep juveniles long enough and are too overcrowded to have a positive effect on the youths sent there. In response to questions concerning the procedures for detaining juveniles in Polk County who are detained after business hours, Mr. Sillas stated that the police officer pages the juvenile court officer who is on duty. According to Mr. Sillas, the criteria for detention include the nature of the charge, the wishes of the parents, whether the juvenile is a repeat offender, and whether space is available to detain the juvenile.

Ms. Sheila Lumley, Director of Polk County Youth Services, noted that she is the manager of the Polk County juvenile detention facility, Meyer Hall. Ms. Lumley distributed information concerning admissions to the detention facility and noted that approximately 75 percent of admissions to the facility occur after 3:00 p.m. or on weekends. She noted that Meyer Hall does take admissions from other counties. Ms. Lumley also observed an increase in the number of juveniles detained at the facility who are being waived to adult court. She provided statistics concerning detainees based upon age, offense committed, race, and other factors. Ms. Lumley described internal restructuring efforts at the facility, and the development of new programs and procedures. She noted that many of these

initiatives are intended to address difficulties due to runaway and gang problems, as well as racial and cultural differences in the facility population. In response to questioning, Ms. Lumley noted that the detention facility is licensed by the state and that the license specifies the number of juveniles that may be detained at the facility at any given time.

Mr. Richard G. Moore, Administrator of the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights, provided a variety of statistical information to the Study Committee. The information presented included juvenile arrest trends and sentencing information. Mr. Moore identified some difficulties in tracking the records of juveniles who are not waived to adult court. Mr. Moore also highlighted the requirements of the federal Juvenile Justice and Delinquency Prevention Acts. He noted that due to changes enacted last year, the Division will be responsible for administering the Act. Mr. Moore stated that Iowa receives approximately \$500,000 annually under the federal formula, which is then redistributed to various agencies and organizations through subgrants. Mr. Moore discussed the requirements for federal compliance necessary to retain the funds: deinstitutionalization of status offenders, sight and sound separation, and jail removal as of December 8, 1988. Due to time constraints, the Study Committee asked Mr. Moore to continue his presentation at its next meeting.

A panel of individuals from Waterloo, Mr. Steve Smith, Chief Juvenile Court Officer of the First Judicial District; Chief Bernal Koehrsen, Jr. of the Waterloo Police Department; and Mr. Russ Tidwell of the AARTS Youth Center, the Youth Advocate Program, and the Youth Employment Service of Waterloo, addressed the Study Committee. All three presenters identified racism as the root cause of youth and gang violence problems in Waterloo. Mr. Smith identified cooperative efforts among organizations in Waterloo to combat the problem. He noted that the juvenile court has adopted a policy of seeking secure detention whenever possible when a youth is charged with gang-related violence or trafficking in crack cocaine. He noted that these efforts are limited by lack of access to secure detention facilities, as well as lack of access to the State Training School. Mr. Smith recommended system-wide intolerance for offenses involving crack cocaine and handguns, and cooperation between law enforcement, the courts, and the community at large in intervention and enforcement efforts. Chief Koehrsen described some of the racially motivated incidents in Waterloo. He noted that Waterloo has more of a gang "wanna be" problem, in that youths wish to be identified as dangerous in order to attract gang affiliations. Chief Koehrsen observed that Waterloo would have a more serious gang problem except for the circumstance that much of the leadership is currently in prison. He noted that his Department has adopted a zero tolerance policy concerning drug offenses. Chief Koehrsen observed that more funds are needed for community work programs, as a tool to prevent drug and gang activities. Mr. Tidwell distributed information concerning youth programs in Waterloo. Mr. Tidwell noted that blacks represent a much larger percentage of the penal population than of the general population, and noted that the purpose of

programs such as the Youth Employment Services Program is to give these youths something to look forward to in their futures.

Mr. Jamie Bowers, Assistant Polk County Attorney, presented information concerning his role as a prosecutor of controlled substance offenses. Mr. Bowers distributed information comparing the penalties for certain controlled substance offenses in Iowa with those penalties in surrounding states. He stated that these states have a felony offense for possession of a controlled substance, and he stated that Des Moines serves as a funneling point for many drug dealers due to Iowa's less stringent controlled substance possession penalties. He also noted that the small amount of drugs available on the street keeps the prices higher than in some larger cities. Mr. Bowers recommended a class "D" felony charge for possession. He also recommended the creation of a crime to prohibit adults using persons below the age of 18 in the commission of drug sales or offenses.

Mr. Vince Lewis, Principal of the North Campus Alternative High School in Des Moines, addressed the Study Committee. Mr. Lewis noted several studies concerning the subject of how school environments are indicative of their surrounding communities. Mr. Lewis stated that the North Campus Alternative High School is located on the perimeter of the inner city. He observed that while there are gang members in the school, they are treated the same as other students. Mr. Lewis stated that there are three rules with which each student at the school must comply: a student must comply with the school attendance policy, the student must achieve certain levels of academic performance, and each student must treat others with respect. Mr. Lewis noted that while students must dress appropriately, this policy does not forbid the wearing of gang colors. Mr. Lewis noted that the school attempts to give children a sense of belonging, by communicating that each child is special, and that the school is a safe place. In response to questions, Mr. Lewis discussed the background of the alternative school and the types of students it serves.

Mr. Kevin Thomas, Minority Affairs Officer at Des Moines Area Community College (DMACC), presented information to the Study Committee concerning several programs which he administers. Mr. Thomas noted that very few programs which are directed at black youth deal with the developmental aspect of children. However, he identified a few programs that are undertaking such initiatives. Mr. Thomas discussed the deculturalization of African-Americans, and the objectives of the Institute for Academic and Personal Excellence aimed at overcoming problems associated with this phenomena.

Mr. Dan Conway, Chief Juvenile Court Officer, and Mr. Lynn Watson, Juvenile Court Officer for the Third Judicial District, provided information to the Study Committee concerning their work with the juvenile court in Sioux City. Mr. Watson stated that as an intake officer, he serves as a conduit for gang information between the juvenile court and the County Attorney's Office. Mr. Watson noted

that the infusion of drugs and money have made today's gangs more dangerous than before. Mr. Watson discussed the characteristics of a typical gang member. Mr. Watson stated that society can keep gangs out of the community through early identification of gang formation and the creation of coalitions between the juvenile court and law enforcement officials. Mr. Watson stated that although there have been several outside pushes to cause the formation of gangs in Sioux City, the community has been successful thus far in thwarting those efforts through the coalition strategies. Mr. Watson stated that individuals who were identified as gang members were targeted for harsher penalties. Mr. Watson recommended special penalties for the possession or use of weapons in certain places, such as schools and parks, as well as the stiffening of the witness intimidation laws. He emphasized that groups in the community need to work together to keep gangs from developing. Mr. Conway noted budget difficulties, and added that there is a need for better allocation of available resources to combat issues such as delinquency and community protection. Mr. Conway also provided written testimony concerning the crackdown on the formation of gangs in Sioux City.

November 8 Meeting

At its second meeting on November 8, the Study Committee invited representatives of United Way Children-at-Risk Council Agencies, public defenders for juveniles, parents, law enforcement officials, and other concerned persons to testify.

Mr. Richard Moore continued his presentation from the earlier meeting. Mr. Moore distributed information pertaining to the number of juveniles arrested for controlled substance offenses, as well as the number of juveniles held in detention facilities statewide. Mr. Moore added that two new 15-bed facilities will be operational by January of 1992. Mr. Moore also provided information concerning placements at the State Training School and discussed the youthful offender recommendations formulated as a result of legislation enacted in 1990. Mr. Moore also discussed the recommendations of the Criminal and Juvenile Justice Planning Advisory Council, including the need for a comprehensive approach to Iowa's gang problem, an assessment of current laws to consider strengthening penalties for those adult offenses involving drugs or offenses which relate to contributing to the delinquency of minors, and the development of local task forces to create community-specific approaches to gang problems. Mr. Moore also discussed efforts by the United States Department of Justice, including the National Youth Gang Suppression and Intervention Program. In response to questions concerning the arrest statistics, Mr. Moore noted that there are a variety of potential problems and factors affecting the accuracy of the Department of Public Safety data collection system.

The panel of representatives of the United Way Children-at-Risk Council Agencies included the following presenters: Ms. Carol Clift, Vice President of

United Way of Central Iowa; Dr. Joan Roberts, Principal of North High School in Des Moines; Mr. Jeff Betlewski, Program Director of the YMCA of Greater Des Moines; Mr. Wayne Ford, Executive Director of Urban Dreams; and Mr. Fred Moore, Chair of Community Initiatives for the United Way of Central Iowa.

Ms. Clift provided background information concerning the Children-at-Risk Council, and noted that in 1989, when gang problems began to surface in Des Moines, a 60-provider member group was convened by United Way to examine and discuss what should be done to combat gangs, which resulted in the formation of Project Uplift. Ms. Clift stated that the United Way has been encouraging collaboration of efforts between agencies.

Dr. Roberts noted that there are children who attend North High School who are affiliated with gangs. Dr. Roberts cited the need for collaborative efforts towards the creation of jobs with adequate incomes, curriculum development and targeting of programs, more business and school partnerships, and working with the media to avoid glamorizing gangs. Dr. Roberts observed that North had just undergone the regional accreditation process and the evaluators observed a very good climate in the school despite the large number of problems in the immediately surrounding vicinity. She stated that North has a philosophy which provides for meeting a student's basic survival needs, including methods to enhance a student's sense of belonging to the school. She stated that the students view their school as a neutral ground.

Mr. Betlewski provided background information pertaining to intervention services, including remedial services, prevention services, and enrichment service strategies. Mr. Betlewski stated that these strategies, in the context of youth and gang activities, are aimed toward issues of self-esteem, personal health, development of employment skills and career goals, provision of education and training, and the development of leadership in youth. Mr. Betlewski noted the collaborative efforts by agencies, and cited Project Uplift, Alateen, the Success program, and the Downtown Recreation/Teen program operated through the YMCA, Urban Dreams, Des Moines Parks and Recreation and KUCB Radio Station, as several successful initiatives.

Mr. Ford stated that the sole purpose of Urban Dreams is to alleviate the youth and gang problem in inner city Des Moines. Mr. Ford referred to some of his previous experiences in the Washington, D.C. area, and the gang difficulties faced in that city. Mr. Ford noted that minorities can pose a disproportionate section of the penal population, and yet are underrepresented in participation in gifted and talented programs. Mr. Ford discussed the disenfranchisement of youth, and stated that both traditional and nontraditional groups will need to band together to combat these problems. In addition, Mr. Ford mentioned the perceptions of minority youths about legislative efforts, and noted that black youth view the statute

outlawing criminal gang activity as another method for harassing and discriminating against black youth.

Mr. Fred Moore concluded the presentation by the agencies, and stated that the Community Initiatives Committee is designed to help make the United Way agencies more responsive to community concerns. Mr. Moore cited Project Uplift, the Success program, an in-school case management program, and Project Bridge, a housing program based upon identified need, as successful initiatives that have been undertaken.

Ms. Deborah Green spoke to the Committee from her perspective as a parent. She noted that she is concerned about the increasing violence in Des Moines. Ms. Green recounted the problems of her 15-year-old son, who got into trouble without providing any warning signs. She noted that he is an average student who participates in several extracurricular activities. Ms. Green stated that her son was placed on probation and has turned his life around since that time, noting that his grades have improved and that he serves as a peer counselor for other children. Ms. Green cited efforts by a police officer and the juvenile court as assisting with her son. Ms. Green noted the need for parent support groups, to let parents know that even if their children are involved in activities and doing well in school, they can still get into trouble. Ms. Green also emphasized the need for communication between parents and their children.

Mr. Mike O'Brien, Public Defender at the Juvenile Law Center in Sioux City, and Mr. George Arvidson, Polk County Juvenile Defender, testified about their concerns as individuals who defend troubled youth. Mr. Arvidson presented an outline with recommendations for legislative change which are included in the recommendations contained in the Appendix to this Final Report. Mr. Arvidson stated that while half of the crime in Polk County is committed by juveniles, there are only four prosecutors assigned to the juvenile offender area in the Polk County Attorney's Office, as opposed to approximately 20 who handle adult offenders. He stated that the lack of resources devoted to juveniles sends the wrong message to them. Mr. Arvidson recommended a number of things, including the creation of three 100-bed detention facilities, modeled after the Glen Mills program, the provision of information to police officers concerning alternative methods for handling juvenile offenders, the creation of additional space at Meyer Hall, and parenting classes for parents of juveniles who are in trouble. Mr. O'Brien noted that he believes it would be inappropriate to relax any constitutional standards for taking juveniles into custody in order to handle these types of problems. He discussed the efforts in Sioux City to keep gangs out of the community, and noted that the Sioux City strategy worked and was accomplished completely within the existing legal framework.

The following law enforcement officials also testified before the Committee: Captain Glen Fox, Detective Division, Cedar Rapids Police Department; Chief Mark

Moline, Council Bluffs Police Department; Officer Henry Hawkins, Davenport Police Department; and Officer Chris Mahlstadt, Des Moines Police Department (SCAT Team).

Captain Fox stated that, notwithstanding publicity to the contrary, most community leaders do not believe that gangs have organized themselves in Cedar Rapids. However, Captain Fox did state that the city has experienced some youth violence problems, particularly during the summer months. Captain Fox recounted the efforts in Cedar Rapids to prevent gang formation, including community efforts such as open communication by different organizations in the community, the involvement of the commissioner of public safety, and aggressive prosecution by the Linn County Attorney's Office in drug and vice offenses. He also noted that the Police Department engages in proactive drug and vice enforcement efforts. He recommended continued funding of the "War on Drugs," a review of Iowa Code section 232.11 with respect to parents being present when children are questioned, funding of programs such as hotel/motel drug interdiction, and statutory changes to permit officers to conduct pat-downs of subjects involved in gang or group violence for the personal safety of officers and others.

Chief Moline noted that gang problems in Omaha eventually led to problems in Council Bluffs, since both cities are part of the same metropolitan area. However, Chief Moline noted that Council Bluffs has been fortunate in that it has been spared much of the gang violence occurring in Omaha. He noted that the gangs seem to be rooted in violence, drugs, and racism. Chief Moline recommended activity on the state level to gather and provide statewide information and to create a uniform set of definitions that can assist in the measurement of the problem, and prioritizing and mandating of drug education, including information on gang involvement and race relations.

Officer Henry Hawkins noted that the Davenport Police Department has taken a proactive stance in the identification and classification of gang members. He noted that the police have identified three types of gangs: traditional, nontraditional or newly developed, and franchise gangs. Officer Hawkins stated that Davenport has employed a community-based approach to combat and prevent gang problems. He stated that police enforcement is not enough, and that early education efforts are essential. Officer Hawkins stated that Davenport has parent awareness programs to teach parents how to get involved in their children's lives and to recognize signs of gang involvement or activity. Officer Hawkins stated that the Davenport schools expel any student who is identified as a gang member for the year, and those students are placed in alternative education programs. He discussed police participation in juvenile court proceedings involving gang members. Officer Hawkins stated that the youth alternative program, which operates on a referral basis and attempts to teach alternative lifestyles to gang members by providing alternative activities, is one of the best programs in Davenport and reflects the importance of a community efforts.

Officer Chris Mahlstadt discussed the formation of the SCAT Team in the Des Moines Police Department. He noted that the sole function of the SCAT Team is to identify, arrest, and keep track of gang members. Officer Mahlstadt noted that about 95 percent of gang activities center around drugs. He stated that the principal gangs in Des Moines are the Vice Lords, the Black Gangster Disciples (BGD's), the Crips, and some offshoots of those gangs. Officer Mahlstadt observed that Des Moines has experienced significant gang-related violence, including drive-by shootings and assaults. Officer Mahlstadt noted that gang members are extensively armed, and that Des Moines is attractive to gang members from out-of-state due to the relatively minor crack cocaine penalties. Officer Mahlstadt recommended stiffening penalties for drug possession and trafficking, increasing the amount of detention space for juvenile offenders, and permitting the police department to retain photographs at the station of juveniles who are detained, so that they may be more readily identified in the future.

Several written items were submitted for consideration. Information provided by the State Drug Enforcement and Abuse Prevention Coordinator listed the funds which were distributed by that office for the 1990-1991 fiscal year.

In addition, Senator Pate distributed materials from a public forum held in Cedar Rapids, which he conducted with Representative Ron Corbett. The report includes written testimony from the Honorable Patrick R. Grady, Juvenile Court Referee for the Sixth Judicial District; Mr. Brian Boyer, Program Manager of Wendell House, and Mr. Michael Snitker, Program Manager of Lincoln Place; Ms. Rosemary Thomson, Student Assistance Coordinator for the Linn-Mar Community Schools and the Jane Boyd Community House; Mr. Paul L. Nelson from the Juvenile Court Office of the Sixth Judicial District; and Mr. David A. Clark, Senior District Executive, Hawkeye Area Council, Boy Scouts of America. The report indicates that oral testimony was received from the following organizations and individuals: Jane Boyd Community Center, Cedar Rapids Police Department, McKinley Middle School, Area Substance Abuse Council, Lutheran Social Services, Slayton Thompson, Sandy Smith, Martha Carter, the YMCA, the Boy Scouts, Linn-Mar Community Schools, representatives of the Juvenile Court for the Sixth Judicial District, and Four Oaks. The report, which is on file with the Legislative Service Bureau, contains the written testimony. The recommendations from the written testimony, as well as the recommendations of Senator Pate and Representative Corbett, are contained in the Appendix to this Final Report.

Upon discussion, the Study Committee provided instructions for the drafting of this Final Report, which included discussion of the presentations by each speaker and a listing of every recommendation presented to the Study Committee.

RECOMMENDATIONS

The Curtailing Youth and Gang Violence Study Committee makes the following recommendation for consideration by the Legislative Council and the 1992 General Assembly:

That the General Assembly review for consideration the recommendations proposed to the Study Committee and contained in the Appendix to this Final Report. It is the intent of the Study Committee to pass along these proposals to the General Assembly without recommendation.

APPENDIX

RECOMMENDATIONS RECEIVED BY THE CURTAILING YOUTH AND GANG VIOLENCE STUDY COMMITTEE

OCTOBER 11, 1991 MEETING

A. Sergeant Rick Gates, Des Moines Police Department

1. Additional resources for education of young children and the general public as to what gang involvement really means would be helpful.
2. Increased availability of structured environment placements would assist some juveniles.
3. Communication between the police and other components of the community, as well as with other communities experiencing gang problems, is helpful.
4. Narcotics laws similar to those in Kansas and Arizona may be effective in combating gang activity.

B. Sergeant Michael Leeper, Des Moines Police Department

More juvenile rehabilitation and detention facilities are needed.

C. Mr. Ezra Sillas, Juvenile Court Officer, Fifth Judicial District

1. Juvenile law provisions should be updated and strengthened to meet the challenges of today's youth.
2. Adequate funding is needed for juvenile justice services.
3. The state should promote more facilities similar to Glen Mills for appropriate placements of juveniles.
4. Juvenile court officers need input concerning recommendations as to dispositions of juvenile offenders, particularly repeat offenders.
5. Some type of boot camp approach may be appropriate, as long as discipline and love go hand in hand in the facility, but such approaches require at least 12 months or longer to produce positive results.
6. The General Assembly may wish to consider the laws of other states in developing legislation, particularly provisions concerning drug enforcement.

7. Tough enforcement standards should be applied both to the juveniles peripherally involved in criminal activity, as well as the adults who are motivating them.
8. Alternatives such as job programs to teach children how to talk, dress, and develop self-esteem should be considered.

D. Ms. Sheila Lumley, Director of Polk County Youth Services

1. A three-tiered correctional system is needed to focus prevention and intervention methods on juveniles who are under 16 years of age.
2. Schools and the private sector should do more intervention work with children at an early age.

E. Mr. Steve Smith, Chief Juvenile Court Officer, First Judicial District

1. System-wide intolerance to certain gang-related offenses, such as drug offenses and violent offenses, is needed.
2. Distribution and use of crack cocaine needs to be viewed as a unique drug problem because of its high potential for profit and highly addictive qualities.
3. The availability of handguns should be limited and offenders should be dealt with harshly.
4. Law enforcement, the courts, and the community at large need to work together to interrupt violent and gang-related activities and deal decisively with those involved.
5. Communities must work together in the long term, crossing racial and ethnic lines to provide real and equitable opportunity to those who would otherwise be attracted to gangs and illegal activities.
6. Continued implementation of programs such as Drug Abuse Resistance Education (DARE), to help children to become more familiar with police officers.
7. Recreational programs providing places for children to go after school should be developed.
8. Communities should work to create a developed residential and community services program for children who are under correctional supervision.
9. Caps on the populations at the state's juvenile institutions are appropriate, but create a need for treatment alternatives.

F. Chief Bernal Koehrsen, Jr., Waterloo Police Department

1. Continued implementation of programs such as DARE is essential.
2. Law enforcement agencies need to have a zero tolerance policy concerning controlled substance offenses.
3. Cooperative efforts are essential between law enforcement agencies, including federal officials, for drug enforcement activities, and financial assistance is needed for these efforts.
4. Funds should be provided for community work programs as a useful tool in drug and gang prevention efforts.
5. Minorities should be well represented within law enforcement agencies.
6. Cooperative efforts between law enforcement and the community, such as having representatives of the National Association for the Advancement of Colored People (NAACP) travel with police officers to the location of racially motivated incidents, are necessary.
7. The state needs to assure funding for good programs and laws that do not provide obstacles to needed change in order to combat racism, which is the root cause of many gang-related problems in Waterloo.

G. Mr. Russ Tidwell, AARTS Youth Center, Youth Advocate Program, and Youth Employment Service (YES), Waterloo

1. Society as a whole needs to spend more time on its children, as all children are not going to profit from the current system, and all children need a future to anticipate.
2. Communities should work toward the development of youth jobs programs.

H. Mr. Jamie Bowers, Assistant Polk County Attorney

1. Establish a class "D" felony for possession of a controlled substance. Mr. Bowers' specific statutory language proposals are attached to this Appendix as Exhibit "A".
2. A special provision should be enacted providing for a class "B" felony with a mandatory minimum term of five years and no possibility for a deferred or suspended sentence, for adults who conspire with or recruit juveniles for the purpose of delivering or manufacturing a controlled substance. Mr. Bowers' specific statutory language changes are attached to this Appendix as Exhibit "A".

3. Iowa Code section 901.10, which permits a sentencing court to consider mitigating circumstances in determining whether to sentence a first-time offender to a mandatory term for certain drugs and weapons offenses, should be repealed.

I. Mr. Vince Lewis, Principal of the North Campus Alternative High School, Des Moines

1. Students should be treated with respect, and should all be subject to the same basic requirements, regardless of whether they are affiliated with gangs.
2. Efforts in schools and communities should focus upon helping children develop a sense of belonging and self-esteem.

J. Mr. Kevin Thomas, Minority Affairs Officer, Des Moines Area Community College

1. In order to help African-American youth achieve their true potential, and to overcome the effects of deculturalization and the reactive culture, society must help these youth overcome the obstacles which impair their natural development, such as: (a) the double standards imposed by America's system of racism which definitely has a debilitating effect on the personality development of African-American youth; (b) the lack of equal access to proper resources and institutions that are necessary to help them negotiate with society; (c) the class status within the African-American community as a result of the scar tissue of psychological enslavement, which plays an important role in how successful African-American youth are in adjusting to the double standards of American life -- the higher a youth is on the social ladder, the easier it is to make the adjustment; and (d) in order to compensate for inequities, African-American youth often develop personalities that induce maladjusted behavior.
2. Programs should be promoted to do the following:
 - a. Develop an understanding of African-American history and its importance to positive self-development.
 - b. Provide instruction concerning time management -- the importance of time as a resource that is more valuable than money and other material acquisitions.
 - c. Identify talents and development.
 - d. Stress the importance of proper diet and nutrition.

- e. Develop the proper appreciation for economics and its importance to self-determination and responsibility.
 - f. Emphasize the leadership values gained from the proper utilization of participation in organized activities, peer group involvement, and social structure.
 - g. Teach an understanding of racism and its effects.
 - h. Utilize a structured process for male/female development, such as rites of passage programs, Nugzo Saba (Principles of Philosophy), church-sponsored youth groups, and educational programs.
 - i. Provide workshops on parenting and its importance to child development.
 - j. Provide workshops involving teacher expectation and understanding learning style differences.
 - k. Provide programs that teach youth the distinction between battles and wars and conflict management, and also teach parents how to monitor peer groups as a way to overcome negative peer pressure and dysfunctional organization involvement.
3. Community watch groups should be established to monitor drug activities. Programs that enhance community understanding of the negative effects and dysfunctional relationships caused by drug activities should be developed.
 4. Economic development is essential, including a federal jobs bill. Community education, including moneys allocated for educational development training and programming, should be included.

K. Mr. Dan Conway, Chief Juvenile Court Officer, Third Judicial District

1. Gang formation must be recognized early in the process, with various organizations within the community, including the police department, the county attorney, the juvenile court, and the adult and juvenile correctional systems working together and communicating to vigorously enforce the law.
2. Each individual community is unique, and must mobilize its existing resources to intervene in the lives of individuals as soon as possible. Law enforcement intervention alone will not alleviate the problem. Intervention which provides individuals with other means of obtaining a sense of belonging and hope for the future is essential as well.
3. With respect to juveniles who participate in drug activities within the drug-free school zone, the General Assembly should consider the possibility of enacting a minimum sentencing requirement for juveniles

such as exists with respect to forcible felony charges, which provide for a minimum of one year of probation for juveniles.

4. The General Assembly should consider legislation providing for a weapons-free school zone, similar to the drug-free school zone, to help maintain public safety in and around school buildings, park facilities, and other recreational facilities.
5. Because it is easier and less costly to keep gangs out of an area than to deal with them once they have become entrenched, it is important that such communities not be ignored in the funding of projects. Some areas that could be funded include the following:
 - a. Organize a working task force including resources and personnel from the county attorney's office, the police department, the sheriff's department, juvenile court services, and community corrections to deal with gang problems.
 - b. Provide community programming utilizing existing agencies that deal with young people to act as eyes and ears concerning gang activity.
 - c. Provide outreach workers, and coordinate between youth service agencies.
6. Schools should prohibit colors, beepers, and hand signals at school.
7. Cities should be encouraged to have graffiti removed, utilizing service volunteers.
8. The General Assembly should take a hard look at delinquency issues and community protection, to better allocate resources to the juvenile justice system.

L. Mr. Lynn Watson, Juvenile Court Officer, Third Judicial District

1. Society can keep gangs out of the community by early identification of gang formation signs and the formation of coalitions between the juvenile court and law enforcement agencies. The coalition should establish a list of identified gang members and target those individuals for harsher penalties.
2. The General Assembly should enact legislation providing special protection or harsher penalties for the possession or use of weapons in places such as schools and parks.
3. The General Assembly should enact legislation stiffening witness intimidation laws.
4. Community groups should be established to work on their own solutions to the unique problems associated with gangs. Problems such as gang

graffiti and the wearing of beepers should not go unchecked, as younger children emulate the older ones.

NOVEMBER 8, 1991, MEETING

A. Mr. Richard G. Moore, Administrator, Division of Criminal and Juvenile Justice Planning, Department of Human Rights

1. The following recommendations have been proposed by the Criminal and Juvenile Justice Planning Advisory Council:
 - a. Iowa is experiencing a gang problem which is more severe than it was in previous years and this places Iowa's youth at risk unless a comprehensive approach is taken.
 - b. Current laws need to be assessed, to consider strengthening penalties for those adult offenses which involve using drugs and committing other crimes in the presence of children and offenses which relate to contributing to the delinquency of minors, in light of the numbers of adults who are being charged and convicted of these kinds of offenses.
 - c. Any community facing a gang problem should develop a local task force and create a community-specific approach to deal with their specific gang problems.

2. Federal authorities have identified the following types of programs which they consider worthwhile and are willing to fund:
 - a. Community-based consortia.
 - b. Single-purpose interventions or prevention programs.
 - c. Family involvement or family empowerment strategies.

3. The National Youth Gang Suppression and Intervention Program, established by the United States Department of Justice, has identified the following strategies to combat gang-related problems:
 - a. Suppression strategies, including arrest, putting youths under supervision, and surveillance.
 - b. Social intervention strategies, including crisis intervention, treatment for youths and their families, outreach, and referral to social services agencies.
 - c. Social opportunities strategies, including basic or remedial education, training, work incentives, and jobs.

- d. Community mobilization strategies, including improved communication, and joint policy or program development among justice and community-based or grass-roots organizations.
- e. Organizational developments or change strategies, including special police units, vertical prosecution, vertical probation, police management, and special emergency or crisis programs.

B. Ms. Carol Clift, Vice President of United Way of Central Iowa

Collaboration of efforts between agencies providing youth services is essential, particularly in light of increased gang activity and cuts in funding for programs and services.

C. Dr. Joan Roberts, Principal of North High School, Des Moines

1. Community projects, such as the following, should be developed to combat gang-related problems:
 - a. The Des Moines Register Learning Center
 - b. The literacy day camps
 - c. Street outreach workers
 - d. Project Uplift
 - e. Urban Dreams
 - f. Chemical-free parties
 - g. Drug prevention programs in the schools (DARE, etc.)
 - h. Community services and involvement programs
 - i. Information programs (such as the resource booklet produced through the yellow pages)
 - j. Alternative programs
 - k. The Success program
 - l. School athletic programs
 - m. Youth employment programs
 - n. Mentor programs and minority achievement programs
 - o. Camp and club programs and recreational games
2. Additional collaborative efforts between agencies are needed, including the creation of more jobs with adequate incomes, curriculum development and targeting of programs, more business and school partnerships, and working with the media to avoid the glamorizing of gangs and gang activities.

3. Schools should focus upon developing a good climate within the school, providing for a student's basic survival needs. Schools should develop methods to enhance a student's sense of belonging to and being part of the school community.
4. The schools require assistance from outside, by service providers and law enforcement, to help combat the problems they are facing due to societal changes and problems.
5. The various elements of society must undergo a collaborative effort to emphasize to children that education is their key to success.

D. Mr. Jeff Betlewski, Program Director, YMCA of Greater Des Moines

1. Intervention services should be promoted, utilizing the following strategies: (a) remedial services – helping individuals with disabilities to permit them to regain normal functioning, such as juvenile probation programs and substance abuse classes; (b) prevention services – helping reasonably normal people stay that way, such as through recreational and socialization programs; and (c) enrichment services – extra experiences that build self-esteem or make a person feel strongly about themselves, such as fine arts, drama, painting, and career workshops. In targeting these strategies at youth and gang activities, five quality-of-life issues should be emphasized: self-esteem, personal health, development of employment skills and career goals, providing education and training, and development of leadership in youth.
2. Collaborative efforts between agencies is essential.

E. Mr. Wayne Ford, Executive Director, Urban Dreams

1. The systems which produce the disenfranchisement of minorities must be examined and changed before programs will be successful in ridding communities of gang-related problems. Minorities are overrepresented in the penal population, and underrepresented in programs such as talented and gifted programs.
2. Individuals who have done something wrong should be punished, but that alone is not the answer to gang problems.
3. Approaches which bring traditional and nontraditional groups together must be initiated, such as the Save Our Children (SOC) program, in which different groups are consulting to create effective programming.
4. Various groups within society need to pull together to ensure that children's perceptions of an "us-versus-them" mentality are not realized.

F. Mr. Fred Moore, Chair of the Community Initiatives Committee of the United Way of Central Iowa

1. Collaborative efforts by agencies must be undertaken which will ensure that most funding goes to the provision of appropriate services.
2. Programs such as the following should be promoted:
 - a. The Success program: An in-school case management program. The program is based on a need-driven, in-school partnership model that includes social services organizations and schools. Services are delivered to children and families according to need. The program includes the collaborative efforts of 14 different agencies, has served approximately 470 families, has provided approximately 296 different services, and has experienced about a 76 percent acceptance of services rate during the first year. Under the program, some students who previously dropped out of school have returned to school.
 - b. Project Uplift: A street outreach program that sends five street workers out on the street to meet children, sometimes finds temporary shelter for those children, and connects children with appropriate services.
 - c. Project Bridge: A housing program based on identified need for this type of program. It is a collaborative effort between two YMCA organizations and Iowa Homeless Youth. The project has created and manages 18 additional beds for homeless youth ages 18 to 21. In addition to housing, the youths receive counseling, job training, remedial education, and other necessary services. The interesting thing about the program is that all of the dollars budgeted go directly to providing services -- there is no additional overhead.

G. Ms. Deborah Green, Parent

1. Support groups should be available for parents to help raise awareness of problems.
2. Parents need to spend time talking to their children and establishing a solid relationship with their children. Families need to make a concerted effort to spend time together.
3. Employment programs are necessary for children who are 14 years of age or older.

H. Mr. George Arvidson, Polk County Juvenile Public Defender

1. The only way to handle problems such as youth violence and gangs is to commit to dealing with the problem head on by the development of

creative solutions, education, and sufficient funding for meaningful programs. Adequate funding is essential.

2. Bring together groups of concerned individuals representative of a cross section of the community to mobilize the community to fight youth violence and gang crimes.
3. Develop programs to keep kids in schools, not fostering an easy way out by removing kids who have attendance or behavioral problems. This should include special classes, in-school detention, and corporal punishment.
4. There needs to be a reemphasis on family values through the education of parents and teachers.
5. Develop programs to bring out and nurture a positive image for minority youth by utilizing professional and business minority people as mentors to minority youth at risk.
6. Provide swift, hard, and consistent sanctions for youth involved in violent or drug crimes.
7. Encourage police to identify, charge, and apprehend the adult leaders of gangs and those providing drugs to gang members for resale.
8. Educate parents as to what they can do to discipline their children without being accused of physical abuse.
9. The abuse laws need to be changed to allow parents, schools, and group care facilitators to be able to physically control youths who are out of control. This should include the use of control rooms in group care facilities.
10. Educate the community about gang colors, signs, and activities.
11. Make it a crime for parents to knowingly receive a monetary or material benefit from their child's participation in gang activities.
12. Educate police officers as to what they can and cannot do with juveniles, such as detention for up to six hours at the police station, and information on how to get them detained at the detention facility.
13. Provide funding for the expansion of in-home detention programs and provide electronic monitoring devices to these programs.
14. Increase bed space of detention facilities for violent juveniles and those accused of selling or distributing drugs.
15. Hold parents accountable for the actions of their children by raising the cap on parental liability for the acts of their children, and require parents

to attend parenting classes for the management of their children who have gotten out of control and into trouble.

16. Provide residential and vocational programs for youthful offenders from the ages of 17-21. Build three 100-bed facilities with meaningful programs for youthful offenders. These facility site locations should include one in western Iowa, one in central Iowa, and one in eastern Iowa. In these facilities, replicate a program like the one offered at the Glenn Mills School in Concordville, Pennsylvania. These programs should include basic education in reading, writing, and arithmetic, Graduate Equivalency Diploma (GED) completion, vocational training, and work experience both on and off campus. Locating these facilities near community colleges may be necessary to provide resources for vocational training.
17. Increase the number of juvenile court officers so that intensive probation can be implemented. Some of the officers should be trained so they can specialize in supervising gang members, or children at risk of becoming gang members, who are on probation.
18. Create a youthful offender authority to manage the Eldora facility and the three 100-bed facilities to be created, taking this responsibility away from the Department of Human Services and the Department of Corrections.
19. Increase the number of prosecutors devoted to prosecuting juveniles and youthful offenders. Provide specialized training for some of them to focus on the prosecution of gang members.
20. Juvenile law provisions should be changed to reflect the change in the age of majority a number of years ago.
21. Corporal punishment should be permitted at group juvenile facilities, so that officials may restrain youths without fear of liability pursuant to child abuse laws.

I. Mr. Mike O'Brien, Public Defender, Juvenile Law Center, Sioux City

1. Constitutional rights of juveniles should not be relaxed in order to handle violence and gang activities.
2. Various organizations within the community should work together to combat youth violence and gang problems, through communication and training in the recognition of signs of gang involvement, as well as the creation of community-based programs primarily for young children.
3. Until we find a way to combat the empowerment mechanism associated with gang association, or replace it, we will continue to have gang problems.

4. Written waiver provisions pertaining to juveniles should not be altered.

J. Captain Glen Fox, Detective Division, Cedar Rapids Police Department

1. Section 232.11 should be reviewed to consider whether parents really need to be present when a child is being interrogated so long as their attorney is present, since many children will not admit to violations in front of their parents.
2. Continued funding of war on drugs.
3. Funding of new programs such as hotel/motel drug interdiction.
4. Pat-downs of subjects involved in gang or group violence for personal safety of officers and others, especially where it is known that shots have been fired.
5. Law enforcement should consider the following activities for curtailing youth violence and gangs:
 - a. Proactive drug and vice enforcement through participation in various narcotics task forces.
 - b. The creation of positions for intelligence unit officers and crime analysis officers.
 - c. Participation in the statewide Law Enforcement Intelligence Network (LEIN).
 - d. Participation in countywide or multicounty programs for sharing information among law enforcement agencies.
 - e. The creation of a full-time youth bureau to handle youth offenses.
 - f. The creation of a crime prevention bureau to actively work with the school system, local businesses and merchants, community groups and organizations, and the public, through neighborhood watch programs.
 - g. Directing patrol efforts in areas where complaints are received concerning youth violence and gang activity.
 - h. The use of grants in the areas of drug enforcement that directly relate to the areas where violent youth crime has occurred, such as the First Avenue Drug Enforcement project.
6. Communities should engage in efforts such as the following:
 - a. Involvement of community leaders, concerned parents, clergy, school administration, and law enforcement in information gathering and sharing information through communication.
 - b. Active participation by the Commissioner of Public Safety in addressing community concerns by personally attending neighborhood

watch functions, public meetings, and talking to citizens on a one-on-one basis.

- c. Aggressive prosecution by the county attorney's office in drug and vice offenses.

K. Chief Mark Moline, Council Bluffs Police Department

1. State-level activity to gather and provide statewide information and to create a uniform set of definitions that can assist in the measurement of the level of the problem on a local and statewide basis.
2. Prioritization and mandating of drug education, including information on gang involvement and race relations.

L. Officer Henry Hawkins, Davenport Police Department

1. Early identification of gang problems is essential for the community.
2. Community-based approaches are necessary to combat and prevent gang activity, including early education efforts and parent awareness programs to teach parents how to get involved in their children's lives and recognize signs of gang involvement.
3. Schools should expel any student who is identified as a gang member for the year, and those students should be placed in alternative education programs.
4. Police officers should take part in juvenile court proceedings involving gang members.
5. Programs such as the youth alternative program, which operates on a referral basis and attempts to teach alternative lifestyles to gang members by providing alternative activities, should be promoted.
6. Police departments should try to establish a task force to coordinate all of the police department's gang functions, to continue each officer's gang education, and to collect information on gang activities.

M. Officer Chris Mahlstadt, SCAT Team, Des Moines Police Department

1. Stiffen the penalties for drug possession and trafficking to make drug sales a less attractive business prospect.
2. Increase the amount of space for juvenile offenders -- although they have had good success with Meyer Hall, there is still an occasional need for more space.

3. The police department should be able to keep at the station photographs and fingerprints of juveniles who have been detained so that later identification is easier to accomplish.
4. Police departments should engage in a zero-tolerance policy toward drugs.

**RECOMMENDATIONS CONTAINED IN WRITTEN MATERIALS SUBMITTED
AT A PUBLIC FORUM IN CEDAR RAPIDS HELD BY SENATOR PATE AND
REPRESENTATIVE CORBETT**

- A. Written Statement of Mr. Patrick R. Grady, Juvenile Court Referee, Sixth Judicial District
 1. Until society as a whole makes the commitment to deal with larger problems, such as alcohol and drug abuse by adults in the home and as portrayed by the mass media, youths will not be able to deal with these problems responsibly.
 2. Harsh sentences alone fail to address the proliferation and availability of firearms throughout the community, and until that problem is addressed directly, this will continue to be a problem.
 3. Adequate placement alternatives should be provided for delinquent youths. In particular, placement alternatives which address the needs of minority youths and youthful, particularly female, offenders. These include offenders under 14 years of age.
- B. Written Statement of Mr. Brian Boyer, Program Manager, Wendell House, and Mr. Michael Snitker, Program Manager, Lincoln Place
 1. We should begin looking to communities who are experimenting with new and even controversial ideas as to how to address youthful offenders. By using programs with proven effectiveness, we will end the feeling of futility that comes with working with repeat offenders.
 2. Communities need to provide a full continuum of interventions for repeat offenders. If there are increasingly restrictive responses to juveniles who break the law, they are more likely to respond favorably to intervention at some level.
- C. Written Statement of Ms. Rosemary Thomson, Student Assistance Coordinator, Linn-Mar Community Schools
 1. Communities and schools need assistance for start-up costs in order to participate in DARE programs.

2. Provide assistance to local education agencies in competing for additional federal grant moneys.
3. Divide asset forfeiture between local school prevention programs and local police.
4. Require Memorandums of Understanding between schools and local police to facilitate early intervention and student assistance.
5. Additional funds could be used to implement the suggestions of students, which include the following:
 - a. Train teachers to recognize signs of substance abuse and take appropriate action to ensure that students get help.
 - b. Provide clear policies and procedures with regard to what will happen to abusers, and enforce them fairly for ALL students.
 - c. Teach drug education in the early grades – most students start using alcohol and other drugs before they receive any drug education.
 - d. Identify a very visible place/person in the school setting where students know they can go to get confidential help for their friends or for themselves.

D. Written Statement Submitted to Public Hearing at Jane Boyd Community House, with no Identification of the Author

1. The news media should be required to show more accurate portrayals of people abusing drugs and criminal offenders. Current portrayals concentrate only upon African-Americans, although others are involved. Portrayal of our youth is important in the development of self-esteem. Work with the media to produce reporting which is not biased.
2. Support funding for activity centers, such as the Jane Boyd Community House, which offer activities for youth.

E. Mr. David A. Clark, Senior District Executive, Hawkeye Area Council, Boy Scouts of America

Encourage children to become involved in activities such as Scouting. These programs should address concerns such as illiteracy, drug abuse, child abuse, unemployment, and hunger. Positive role models should be provided.

**RECOMMENDATIONS BY MEMBERS OF THE GENERAL ASSEMBLY
SUBMITTED TO THE STUDY COMMITTEE**

A. Recommendations in Report Submitted by Senator Paul Pate and Representative Ron Corbett

1. Dangerous weapons are a major factor that law enforcement, educators, and the public in general must deal with in this outbreak of youth violence. Consideration should be given to enacting weapon-free, as well as drug-free, zones around schools, school activities, and parks (1990 legislation established drug-free zones).
2. Alcohol continues to be the number one abused substance and a serious factor in the youth violence problem; it is recommended that additional funding for ways to expand access to programs and treatment should be found.
3. Serious review of our juvenile court system is needed to study available options, possibly creating a three-tier system enabling the system to differentiate ages and seriousness of crimes, for example, juvenile, 1-14 years of age; youth, 14-18 years of age; and adults, 18 years of age or older.
4. Due to the concern for overcrowding at Eldora and other juvenile facilities, special consideration should be given in community-based facilities for youth. This would allow for minimal school changes for youths and offer lower costs.
5. With the present funding shortages, the possible use of criminal forfeiture proceeds for local gang prevention programs should be used.
6. Encourage the Department of Human Services to use its expertise in working with school districts identifying students at risk. This partnership can enhance an ideal climate between educators, government, parents, and young people.
7. Federal, state, and local government, in cooperation with local community-based employers, should be encouraged to support a job training and mentor partnership program. This would allow for the hiring and training of at-risk youths. Programs would be designed to employ youths to build self-esteem and teach responsibilities. Incentives would be given to businesses to participate, such as tax incentives, funding, and other incentives.
8. True success in this effort hinges on community involvement. We must encourage the ongoing development of programs to involve senior citizens with latch-key youths. Support programs such as the YMCA, Boy Scouts,

church activities, and other organizations all play an important role in this special relationship.

9. Remove barriers that detour from youth involvement programs, such as proposed rules by the Department of Education on Extracurricular Interscholastic Competition that go against the concept of encouraging youths to be involved in positive programs.
10. Recommend adequate funding and support for other prevention services for youth violence and drug use, such as Drug Abuse Resistance Education (DARE), early dropout prevention, Substance Abuse Free Environment (SAFE), and others, that are worthy programs to invest in for the future of our youth.
11. Continue to encourage community involvement through communication and partnership between law enforcement, schools, government, youth organizations, and most importantly, the parents and youths.

B. Written Recommendations by Senator Elaine Szymoniak: Meeting the Challenge of Youth and Gang Violence

1. Prevention Recommendations

- a. Develop, with state assistance, a Model Community Plan involving schools, parents, law enforcement, and local government. Goals should include mentoring, recreational programs, and enhancement of self-esteem and community initiatives related to job training. All efforts should be undertaken with direct support and involvement with the private sector and local governments.
- b. Allocate up to \$500,000 in grants to sites with high gang-related activities for the development of meaningful job training and education in basic life skills.
- c. Pursue grants from the federal Drug Abuse Education and Prevention Programs for Youth Act. Grant applications begin in January and there is \$10.9 million allocated to this program.
- d. Enhance penalties for adults utilizing minors in drug-related offenses.

2. Treatment Recommendations

- a. Expand existing Family Preservation Services to include an intensive focus on high-risk youth and families. Funding for this expanded program should be allocated from existing federal drug funds available to the state.
- b. Appoint a task force of legislators to explore the feasibility of establishing a new level of state-sponsored regional juvenile detention

facilities, which incorporates early intensive intervention into the lives of offenders and their families.

- c. The Division of Criminal and Juvenile Justice Planning should solicit proposals from counties interested in establishing detention facilities in a 50/50 cost share with the state. Federal drug funds should be explored as a potential match.
- d. Develop programs for first-time juvenile drug dealers with the cooperation of the Department of Corrections, the Department of Human Services, and the Governor's Alliance on Substance Abuse.

C. Recommendation by Co-chairperson Representative Gary Sherzan

Remove the treatment of delinquent juveniles from the duties of the Department of Human Services and place this responsibility with the Department of Corrections. Close the State Training School at Eldora, and send juveniles to regional centers. Remove juvenile court officers who serve as juvenile probation officers from the courts, and place them in a setting such as the community-based correctional facilities. An intake center should be established to help screen juveniles and some centralization is needed to streamline funding.

Exhibit A

1991 - 1992 LEGISLATIVE PROPOSALS

CONTROLLED SUBSTANCES

204.401 (3) POSSESSION OF A CONTROLLED SUBSTANCE

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter.

a. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated substances is a class "D" felony:

- (1) A mixture or substance containing heroin.
- (2) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed.
- (3) Cocaine, cocaine base, cocaine salts, optical and geometric isomers, and salts of isomers.
- (4) Ecgonine, its derivatives, their salts, isomers and salts of isomers.
- (5) A mixture of substance containing a detectable amount of phencyclidine (PCP).
- (6) A mixture of substance containing a detectable amount of lysergic acid diethylamide (LSD).
- (7) A mixture or substance containing a detectable amount of methamphetamine.
- (8) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in Schedule I or II.

b. If the controlled substance is marijuana, the punishment for a first offense shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. A second possession of marijuana offense is an aggravated misdemeanor. A third possession of marijuana offense is a class "D" felony.

c. All or any part of a sentence imposed pursuant to this section may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court.

**USE OF PERSONS UNDER EIGHTEEN IN THE DRUG TRADE - Iowa Code
Section 204.406 (4)**

It is unlawful for a person who is eighteen years of age or older to act with, enter into a common scheme or design with, conspire with, recruit or use a person under the age of eighteen for the purpose of delivering or manufacturing a controlled substance. A person who violates this subsection with respect to a controlled substance classified in schedule I, II, III, IV, or V is guilty of a class "B" felony shall serve a minimum term of five years and no part of this sentence shall be deferred or suspended.

204.410 ACCOMMODATION OFFENSE

This should only apply to marijuana cases under proposed Section 204.401 (3)(b).

204.411 SECOND OR SUBSEQUENT OFFENSES

1. Any person convicted of a second or subsequent offense under this chapter, excluding Section 204.401, subsection 3 (b), shall be imprisoned and the court may impose a punishment of imprisonment for a period not to exceed three times the term otherwise authorized, or a fine not more than three times the amount otherwise authorized, or both such imprisonment and fine.

Paragraph 3 should be stricken.

901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES

Should be stricken.