

Crime and Punishment in Iowa

Assembled by Arthur A. Small, Jr.

Introduction

I was a bit surprised when I was asked in late July by the Governor's office to serve on a Program Elimination Commission (PEC). Since I served as a member of the General Assembly many years ago, I had been a relatively detached observer of the political scene. But, after being told that I would be a non-voting member and they would not object to my being out of the country and the state for a significant portion of the short period of time the PEC would be required to meet, I agreed to serve.

I was even more surprised, however, when I read the statute that created the PEC and saw how very broad was the task assigned. Those appointed were instructed to examine all government operations and programs, at both the state and local level. Then they were to recommend program cuts that would amount to a two-percent reduction in the state budget. And these part-time appointees were to accomplish that task by the end of the year! I could understand why the State Auditor, Dick Johnson, had requested that he not be required to serve on such a commission. There simply would not be enough time to do the research required and come up with meaningful recommendations.

So, I decided that, rather than sit in on PEC meetings like a potted plant, with no vote and little voice; I would pick out one budget area and dig into that. The other members could go about their business and I would comment from the sidelines as seemed appropriate.

I picked Corrections to examine. I knew little about Corrections and it had never been an area of interest or concern to me during the years I served in the Legislature. Corrections had been a relatively minor budget area during those years. I picked it, somewhat by chance, because shortly after I was appointed I read an article in The Economist that pointed out the following:

*America's incarceration rate was roughly constant from 1925 to 1973, with an average of 110 people behind bars for every 100,000 residents. By 2000, however, the rate of incarceration in state and federal prisons had more than quadrupled, to 478. America has overtaken Russia as the world's most aggressive jailer. When local jails are included in the American tally, the United States locks up nearly 700 people per 100,000, compared with 102 for Canada, 132 for England and Wales, 85 for France and a paltry 48 in Japan. Roughly 2m Americans are currently behind bars, with some 4.5m on parole or on probation (the probationers are on suspended sentences). Another 3m Americans are ex-convicts who have served their sentences and are no longer under the control of the justice system.*¹

I wondered why this was so and where Iowa stood. As I started to inquire and read up about the subject, I gradually learned that the world of Corrections is difficult and, as in life, there are no certainties. I hoped to find that if *this* rather than *that* were done, a certain result could occur. If a particular offender spent one year in prison rather than five for a particular offence, for example, all would benefit. The state could save money and the offender might have a somewhat better

¹ See America Behind Bars and Justice in America

chance at not sliding back into a career of crime. But I was unable to discover any such clear solutions. I did, however, gradually arrive at some tentative conclusions and it is those I will try to pass on in this paper.

If you disagree with my observations and conclusions, feel quite free to do so. I realize my report is far from being complete and leaves many problems unapprised. I was paid nothing to write this paper and perhaps that is what my effort is worth. I did the best I could in the short time I had to review the subject. But better yet, do your own research and write your own paper for, above all, the one thing I did learn is that Iowa cannot continue to proceed with its corrections program as it has. It definitely is not working. To a very large extent the state appears to be operating an ever growing and ever more expensive warehouse through which far too many offenders pass in and out, then in and out again. The state appears to be attempting to bail out a leaking boat with a bucket that festoons with holes.

Einstein's observation seems particularly appropriate: *"Insanity is doing the same things over and over and expecting different results."*

I first discovered that while Iowa stood fairly well compared to most states (38 states had higher incarceration rates), the number of people incarcerated and the corrections budget had exploded since I left the Legislature in 1986. It was apparent that this was a budget area under great stress.

You can see the growth with this chart:

	FY 1971	FY 1981	FY 1991	FY 2001	FY 2002
Corrections Cost	\$8,891,063	\$38,060,985	\$110,223,584	\$251,595,343	\$243,691,529
Staff	820.00	1,128.37	2,514.43	4,236.42	4,105.32
Number of Offenders					
in Prison	1,540	2,670	4,077	8,108	8,172
in CBC	NA	10,911	26,919	27,082	26,459
Total	1,540	13,581	30,996	35,190	34,631

To a certain extent the growth had been brought about by an increase in crime but that growth in Corrections costs is disproportionate to that increase as is evident when one examines the crime rate in Iowa and compares that rate to the prison population and budget figures.

Here are the crime rates for Iowa as reported by the FBI:

Year	Total Offenses	Violent Crime Offenses	Murder	Aggravated Assault	Property Crime
1971	74,882	2,822	52	1,649	72,060
1975	112,181	4,039	71	2,135	108,142
1981	136,638	5,915	76	3,896	130,723
1985	113,713	6,106	55	4,501	107,607
1991	115,546	8,477	57	6,580	107,069
1995	116,575	10,071	51	7,894	106,504
1999	92,497	8,034	43	6,160	84,463

Total Offenses--the sum of violent crime total and property crime total

Violent Crime Total --sum of murder/non-negligent manslaughter, forcible rape, robbery, & aggravated assault			
Property Crime Total --sum of burglary, larceny-theft, & motor vehicle theft			

Now one can play with and interpret numbers and statistics indefinitely in order to support a desired thesis, but these numbers do indicate that Iowa Crime rates have not increased nearly as much as have the budget and incarceration figures. The high rates of imprisonment are certainly related in part to the number of crimes committed; but they also reflect a determined policy to increase the length of sentences and the number of mandatory sentences, particularly for drug related offences.

These policies need to be examined to see if they are bringing about the results the Legislature and the public desires.

In this paper I will discuss both what appears to me to have caused this problem and what steps can be taken to ameliorate the situation.

Background

One reason for the growth in Iowa’s corrections’ numbers has been the changes that were made in the criminal code, changes in the sentencing laws mandating ever-longer terms of incarceration. I suspect that the changes were made in good faith and were largely prompted by a desire to enhance public safety. But I am also confident that Legislators did not fully understand or appreciate the budgetary consequences of their actions and the future burden they would be placing on taxpayers. At the time the bills to enhance sentences and lengthen prison terms were enacted, Iowa’s economy was doing well and revenues were growing. Perhaps that is the reason legislators did not pay greater attention to the legislative fiscal notes that were written at the time and clearly showed the potential budget impact of the various bills. I will not bother to reproduce those fiscal notes here, the Legislative Fiscal Bureau can provide them to anyone who may be interested in looking at them.

Various people well before me have looked at Iowa’s Corrections budget figures and at the growing incarceration rates and have offered thoughtful suggestions. I will not bother to repeat their observations and recommendations but I do wish to draw them to your attention once again because, unfortunately, most recommendations have been either ignored or not acted upon.

Prior Recommendations for Change

As early as 1990 the problems with Iowa’s corrections system and the need for changing Iowa’s sentencing practices was beginning to be recognized. At that time the inmate population was approximately 3,800. By February of 1997, when the Division of Criminal and Juvenile Justice Planning (CJJP) issued its update on its Iowa Criminal and Juvenile Justice Plan, the prison population had grown to 6,200, the construction of three new prisons had been authorized and the CJJP was pointing out the need for sentencing reform.²

In that report the CJJP pointed out that “*the creation of more restrictive criminal penalties for a wide array of offenses (primarily drug and violent offenses), along with current policies such as mandatory minimum sentences, longer lengths of stay in prison for offenders, and increased*

² Iowa Criminal and Juvenile Justice Plan, 1997 update.
<http://www.state.ia.us/government/dhr/cjpp/pdfs/sentenc.pdf>

probation revocations, has led to prison population growth, overcrowding and the recent surge in prison construction.

The CJJP report urged a comprehensive restructuring of Iowa's sentencing laws and pointed out that such a criminal code revision could impact the following:

1. The increased complexity of sentencing laws and practices,
2. The decrease in judicial and parole board discretion,
3. The increased disparity in sentences relative to the seriousness of the offense and when compared to other offenses.
4. The existence of irregularities in Iowa's sentencing structure brought about by the passage of "Truth-in-Sentencing" laws that were crafted to old indeterminate terms.
5. The lack of sentencing options for murders.

The best overview of the problem of Iowa's growing prison population was that written by former Lt. Governor Art Neu three years ago, in 1999. He pointed out in an article² published in the Des Moines Register that Iowa's politicians were "pandering" before the public by telling them they would be "tough on crime" without offering anything more specific than mandatory minimum sentences which removed judicial and parole board discretion. He pointed out that the prisons were significantly overcrowded and called upon legislators to re-examine the sentencing policies it had adopted.

I was made aware of Art Neu's article by a Waterloo woman, Karen Person, who had studied the Corrections issue in the League of Woman Voters. I was then in the final stages of writing this report. Had I known of his article earlier, I probably would have stopped reading and talking to people and simply copied his remarks, told people to read it because the problem had only gotten worse, and then quit. He said almost everything then I wanted to say now and said it concisely and well. But I try to finish what I start, so I will carry on. Please read what he wrote. I have linked his article to this report.

A month later Art Neu wrote a perceptive follow-up letter to the editor. In that letter he castigated those who said Iowa did not have a prison overpopulation program and again stressed his support for community based corrections and the need for more flexible sentencing laws. He urged that the Sentencing Commission the Legislature established in 1998 "review the mandatory-sentencing statutes and determine the precise impact of those laws on our prison population and how they can be changed to reduce that population."³

At the time in 1999 when Art Neu wrote those articles, Iowa's prison population stood at 7,211 persons, well in excess of the system's 6,601 capacity. Today, after three years of inaction, that prison population has increased by over 1,000 offenders. The warehouse is not only full, it is busting at the seams.

The Sentencing Commission, a 24-member group of ten legislators and fourteen public members, did consider many options that the CJJP reports had suggested and did recommend a number of changes that were later adopted by the Legislature. Unfortunately, that Commission did not act on Neu's primary suggestions: (1) that they change the mandatory sentencing statutes, (2) that those sentenced for drug-related offenses be placed in treatment facilities when they are not deemed

² *Iowa's prison population explodes as politicians pander* by Arthur A. Neu, 11/15/99.

³ *One-size sentence doesn't fit all.* Art Neu, 12/4/99

dangerous and (3) that inmates be taught some skills and be assisted in finding employment when they are discharged from prison.

Few of the Sentencing Commission's efforts have moved Iowa very far forward towards a more cost effective corrections system. The problems have simply gotten worse. Each year other groups urge the Legislature to make changes and each year in their reports they update the numbers of persons in prison.

Early in 2002 the Iowa State Bar Association examined the problems and offered a number of recommendations. Again, I will not repeat their recommendations but ask that you review their attached report.⁴ Their recommendations, where still appropriate, should be considered and adopted.

The Department of Corrections and the Board of Corrections offered many suggestions and they toured the state both in 2001 and 2002 to present their case that the system desperately needed changes.

These are some of their recommendations:

- 1 **Reduce Length of Stay for Non-Person Crimes** by making a distinction between property crimes and crimes against people.
- 2 **Manage length of stay** by setting "targets" for reducing average length of stay.
- 3 **Repeal the 85% rule** set out in Iowa Code section 902.12 and related statutes and restore current sentences under this chapter to pre-85% status. This action would avoid the significant future correctional impact on the state budget.
- 4 **Eliminate Misdemeanors from Prison** and sentence misdemeanants to jail and felons to prison.
- 5 **Better deal with Substance Abuse Crimes by taking the following actions:**
 - a. Remove the disparity between the penalties for crack and powder cocaine.
 - b. Increase CBC staff and capacity to better handle 1st OWI offenses in the CBCs rather than in prison.
 - c. Provide treatment alternatives to incarceration for offenders requiring mental health and drug treatment.

I attach their report and recommendations.⁵ I cannot understand why the Legislature has not acted upon them. Some of the recommendations might be difficult to implement. But certainly the recommendation that standard OWI offenders be handled in the CBCs rather than in prison makes obvious sense and would be both more effective and save money.

Eliminating misdemeanors from prison and sentencing misdemeanants to jail, also makes obvious sense although implementing that recommendation might be difficult if the jails are full and the CBCs are understaffed, as is the case.

The only Legislative response to these recommendations appears to have been to cut the budgets of the CBC's and the prisons.

But wait, still other recommendations have also been ignored!

⁴ Recommendations of the Iowa State Bar Association

⁵ Recommendations of the Department of Corrections and the Board of Corrections

In 2002 the CJJP updated once again its Criminal and Juvenile Justice Plan.⁶ While the primary focus of the report is on mental health treatment and Iowa's adult corrections population, the report does address other matters. It notes that the passage of Senate File 543, that changed the maximum penalty for first-offense Burglary-3rd degree and gave new sentencing options to the court, did have some beneficial results.⁷ But in its discussion of Corrections, reading the report is in large measure a bit like watching a rerun of an old movie with the same cast of characters doing the same things. The report notes the following:

1. The prison population had grown an additional 10% in the prior year, the 5th highest growth rates among 50 states for the year 2000.
2. In studying the correctional impact statements of legislation passed from 1994-2000 they found that only two bills had the effect of decreasing prison population. The projected effect of all the other bills passed was to increase prison population by approximately 1500 persons..

The report made the following recommendations:

1. Increase community-based corrections capacity to provide a means to alleviate continued prison growth.
2. Restructure Iowa's "legal mental health authority."

It is little wonder that so many individuals who have urged reform are discouraged. I do not know what more they could have done to present their arguments. But there has been little response. One might easily dismiss my observations and recommendations as being ill informed and the positions of someone who is probably "soft on crime". But they are deluding themselves if they argue that all the others who have made similar suggestions are such. These are the most knowledgeable people in the state on Corrections matters. They should be listened to.

Some specific cases that illustrate the problems:

Because so often the information, materials and reports that deal with the Corrections problem deal with statistics and general policy statements, I thought it might be instructive to look at a few specific cases that can help illustrate the problem. I will look at five:

The first case:

On Nov. 8 of this year a Cedar Rapids Judge sentenced a 17 year-old offender to a ten-year prison term. The offender admitted he had robbed a Taco John's of \$375 at knifepoint. There was little question but that he should serve time. His crime was a first-degree robbery and qualifies as a forcible felony and requires a mandatory sentence. A decision was made by the prosecutor in the case to reduce the charge to second-degree robbery. Had that decision not been made the offender would have been sentenced to a 25-year prison term.

Under current Iowa law the Judge had no option but to sentence him to a ten-year term. Because of the 85% rule he will be required to serve at least 8 1/2 years of that sentence. Perhaps that sentence is appropriate; perhaps it isn't. But I do know the Judge had no option. He could not sentence the youth to a shorter term followed by intensive supervision through the CBC. He could not consider any other options that might have produced a more cost-effective and

⁶ Iowa Criminal and Juvenile Justice Plan, 2002 update. <http://www.state.ia.us/dhr/cjpp/pdfs/2002Plan.pdf>

⁷ Senate File 543 Monitoring Report: First Half FY 2002. <http://www.state.ia.us/dhr/cjpp/pdfs/2002Plan.pdf>

satisfactory result. While prisons sometimes do “correct” behavior they also all too often harden criminals. I doubt that a 17 year-old will find many positive role models in prison. Frankly, I believe that when that offender is released many years from now he will be more, rather than less, likely to find himself back in prison after committing another crime. Iowa’s recidivism rates are high; over 50 percent return. Intensive supervision through the CBCs, on the other hand, have been shown to produce significantly lower recidivism rates.

The Second Case:

The second case involved a drug offender who sold a unit of LSD worth about \$20. It was his first offense. The choice the judge had was to either suspend the sentence or sentence the offender to 25 years. He, quite reasonably, decided the offense required a term in prison. The individual served 5 ½ years before he was paroled.

I mention this case because I knew the person. He was a very bright individual, a lawyer, known to many around the Capitol, including Legislators. He had a very responsible job and, for reasons known only to him, often smoked marijuana. At the request a second party, he procured a small drop of LSD for sale to a third party. It was an entrapment and he was caught. He should have been caught and served time. He knew what he did was against the law and he spent his time in prison not blaming others but himself.

Now he is again employed and has a decent job. I am convinced, as are others who know him better than I, that he will not come into contact with the criminal justice system again. In great measure, his life was ruined and he came out of prison broke and depressed. But largely because he had friends and family who cared for him, he has begun a new life.

One can argue that the corrections system worked. Perhaps it did. But I would argue that had he served a shorter term, the same result could have been achieved and the state would have saved a great deal of money. He learned nothing and contributed nothing to society while in prison. There were no programs offered in prison that changed him or made him a better person. He knew from the day he was caught, and long before he was released, that he would change. He has.

The Third Case:

The third case is similar to the second. It involved a senior at Iowa State University who also smoked pot and had tried LSD. I met him while working on this report and talked with him. He also sold a small unit of LSD to another party and was trapped. He was sentenced to 25 years and served 3 ½. Again, there were no programs he could take advantage of while in prison. Most of the time he sat around and read, although there was a work release program he became involved with. Through that program he was able to find employment after his release.

Like the individual in the prior drug case, he does not condemn the system. He condemns himself. He won’t be back in prison. But I am convinced the same result would have been achieved had he served a shorter term. The state would have saved a great deal of money had he been able to have been released sooner and, perhaps, placed under supervised release through the CBC system. But when he was released, as was the case with the other paroled offender I described, there was no effort made to structure his transition back into society. It was sink or swim. Thankfully, both he and the other drug offender have made the transition and are doing fine.

Not only were these two offenders required to spend too much time in prison, but they were released without any help in their transition to life back in their communities. Supervision through the CBCs is significantly more cost effective. As Community Corrections Director Gary Hintzman of Cedar Rapids has pointed out, "the cost of a parole officer with a caseload of 30 difficult clients is a fraction of the cost of keeping the same number in prison." But also, if parolees are assisted in their return to society, they are both less likely to end up back in prison, and more likely to find employment. They are also more likely to respond to treatment. Ten bucks, a clean set of underwear and a bus ticket out of town just doesn't work all that well.

Both these drug convictions also point to a flaw in the Iowa sentencing law. ALL of the other drugs require at least some minimal quantity before the 25-year sentence applies. Heroin, not exactly a harmless drug, requires 100 grams and, I am told, sells for around \$100/gram -- \$10,000 of heroin. Cocaine (powder) requires 500 grams or \$50,000 worth. An extraordinary amount of marijuana, more than \$500,000 worth, is required before the 25-year sentence applies. All the other comparable hallucinogens -- in ANY quantity of delivery call for a sentence of 10 years -- even for hallucinogens that are much stronger than LSD (mescaline, for instance). Even the current scourge of methamphetamine requires at least 5 grams before the increased sentence applies. So LSD (which is a non-addicting non-lethal drug) is the ONLY drug that mandates a 25-year sentence for delivering even a single molecule in Iowa. (See Iowa Code Section 124.401)

On the other hand, under federal law at least 1 gram of LSD has to have been delivered before the statute requires the 5-year minimum. Amounts less than 1 gram trigger a sentence of up to 5 years. The sentences in the two cases I described would probably have been 10 months in the Federal system. (See U.S. Code Sec. 841. - Prohibited acts A).

I fail to see the rationale for the different standards between the two codes. The Iowa statute should be brought into conformity with the federal statute.

The Fourth and Fifth cases:

I heard about the next two offenders when I chatted with Stephen Street, a supervisor at the 6th Judicial District CBC program. They had been placed on probation on Nov. 2 in Johnson County. Both had been in and out of prison a number of times and were clearly violent individuals. Here is the description of these offenders that I was given:

Case 1: This individual was placed on probation for 2 separate offenses. They were, a) assault while displaying a dangerous weapon and b) assault causing injury. The offenses involved assaulting a co-worker with a knife in the parking lot of their employer. The offender's record consisted of 6 prior convictions and 3 prior prison placements. Many of the prior offenses involved violence.

Case 2: This individual was also placed on probation for 2 separate offenses. a) Assault on a peace officer causing injury and b) aiding and abetting carrying a concealed weapon. The first case involved the offender refusing to comply with officer's demands and eventually struggling with the officer resulting in injury to the officer. The second case involved the offender and his girlfriend being stopped in a vehicle with an SKS assault rifle in the backseat. The official report indicates that the offender was out to "settle the score" with another person who had wronged him. The offender's prior record includes a 6-year prison placement in Joliet, Illinois prison, a maximum security institution. This prison placement was for a conviction for "armed violence." There were 7 other convictions on his record including one other assaultive offense. I would note this offender was charged with a new crime of violence 5 days after being granted probation.

I point out these cases because they illustrate better than any statistics some of the problems with Iowa's correctional system. As Mr. Straight pointed out to me, "We hear much about prison overcrowding; a more accurate term is "system overcrowding." This is illustrated by these two case examples. When prisons fill up, community corrections facilities and probation caseloads accept higher risk individuals. Mandatory/minimum sentences for drug offenses can clog prisons and force violent offenders to remain on the street."

We should be incarcerating those we fear, not those we are angry with because they have violated our moral sensibilities. I probably should have some fear of the knife carrying robber I described earlier, but I don't know enough about him. I have no fear of the second and third offenders whose cases I discussed. I know their current co-workers have none either. But I definitely would fear those last two who were recently released to the 6th Judicial District CBC.

I briefly met a young woman at a 6th District corrections meeting I attended whose job requires her to supervise such violent offenders. She was about my daughter's age and I can tell you I would not want my daughter charged with the responsibility of supervising violent felons. I am surprised anyone would take or stick with such a job very long. I am quite confident that in short order those two violent felons you just learned about will be back in prison after committing other crimes. One, in fact, has already skipped town.

Because I had become interested in the Corrections issue, I listened rather carefully to candidates during the last campaign. I hoped to hear some discussion of Iowa's Corrections problems. Perhaps I missed something, but I did not hear any such discussion except for criticism of the Iowa Parole Board for awarding a record 3,623 paroles. The Governor was chastised by a State Representative for and "watering down our criminal justice system."⁸ Most of the discussion and debate in the campaigns tended to focus on how taxes should not be increased, budgets cut and the state managed more efficiently. Good luck!

But, I am thankful that I also did not hear any of the talk one used to hear when the criminal justice system was discussed with "get tough on crime" slogans, and bumper stickers. "Do the crime, serve the time" and "Three strikes and you're out" were two of the favorite insights propounded. Perhaps candidates are beginning to recognize that there isn't a bumper sticker large enough to cover up the problems the criminal justice is facing. Alternative thoughtful solutions are required. I do not know any voters who support crime but I expect the overwhelming majority want the issue to be addressed responsibly and cost-effective solutions proposed.

Evaluation

Before I start a discussion of other alternatives, I wish to emphasize the need for program evaluation. There is a paucity of evaluation of the various corrections programs. Sometime in the 1990's there was a research and evaluation office in the DOC but that office was eliminated. It should be reinstated and funded. Unless the state continually evaluates the programs it operates, it will have great difficulty designing a more cost-effective system. The current approaches do not appear to be working too well. New ones must be tried. If the results are good, the programs should be continued. If the results are bad, the programs should be stopped. But to make those critical decisions, the programs must be evaluated and their effect on offenders measured. The

⁸ *Paroles reach record high*, Des Moines Register 08/28/2002

rates of recidivism are the key indicators of a program's success or failure. There is no way to tell what those rates are for particular programs unless there is measurement and follow-up. Better information and evaluation for all the programs that bear upon Iowa's criminal justice system is critical to insure that informed decisions can be made regarding the allocation of resources.

I started to arrive at the conclusion that there was a need for program evaluation when I read a newspaper article about the closing of a substance abuse facility for parole violators at Mount Pleasant. I wondered why the program was being closed because I had read that approximately 80 percent of prisoners had some sort of substance abuse problem and it seemed wrong to close down a program designed to deal with that problem. I contacted the Department of Human Services, which ran the program, and inquired why the program was stopped and whether it had been effective. The answer was that the program had been cut because the Department had its budget reduced and it had more important priorities. That, I suppose, was understandable. What I could not understand was the second part of the answer I was given which was that they had no information on the effectiveness of the program.

Much later, after I had made a further request for information about the program, I did receive information about the program that helped me understand it better. The letter I received stated the recidivism rate of clients at the facility was 20% in 1999-2000 and 16% in 2001-2002. I thought that was an excellent rate that showed the program was very effective. Then I read a chart that accompanied the letter and discovered the recidivism rate had been estimated from follow up studies for clients conducted six months after discharge and that of the 2356 patients who had participated in the program, only 99 had been contacted. Of those 99 patients contacted, 20% and 16% were recidivists. I have to wonder about the validity of a study that relies on such a small sample size. It is very likely that the recidivism rate of those who could not be contacted was significantly higher. In short, the "study" was seriously flawed, perhaps worthless, and could tell policy makers little about the effectiveness of the Mt. Pleasant program.

"There really are not any good follow up studies after inmates leave." Remarks made by Ken Burger, assistant director of offender programs for the DOC and quoted to Lee Rood, a Des Moines Register reporter and published in an article published in 1999. What Mr. Burger said then was true. It is still true.

Unless decision-makers have good evaluation information, they cannot make informed policy and budget decisions. Until the funding was eliminated sometime in the 1990's, there was a research and evaluation office in the DOC. That office or program should be reinstated and funded.

There is some excellent evaluation done of programs related to corrections systems. I was particularly impressed by a review of evaluation studies that was conducted by the Washington State Institute for Public Policy. That report, *"The Comparative Costs and Benefits of Programs to Reduce Crime"* was published in May of 2001 and describes the "bottom-line" economics of programs that try to reduce crime. I was given a copy by the Department of Corrections and I understand they plan to make it available to Legislators.

The Washington State report systematically analyzes a large number of evaluations produced in North America over the last 25 years and then "independently determines whether program benefits, as measured by the value to taxpayers and crime victims from a program's expected effect on crime, are likely to outweigh costs." Studies such as this are of great help to policy makers who want to know what works and what doesn't work as they seek to improve resource allocation.

I encourage Legislators to read the report. Here are a few of the findings:

1. **Juvenile Boot Camps** are cheaper than prisons but ultimately cost taxpayers more because of higher recidivism rates. They produce an expected negative bottom line of \$3,587 per boot camp participant.
2. **In-Prison Non-residential Substance Abuse Treatment** produce a benefit-to-cost ratio of \$6.17 of benefits per dollar of cost.
3. **Community-Based Substance Abuse Treatment** produces a benefit-to-cost ratio of \$3.30 of benefits per dollar of cost.
4. **Adult Sex-Offender Treatment Programs** are cost-beneficial. That is, compared to not treating sex offenders, a typical cognitive-behavioral sex offender treatment program saves more than it costs. The benefit to cost ratio is \$4.13 of benefits per dollar spent on the typical program.
5. **Multi-Systemic Therapy (MST)**, an intensive home-based intervention for chronic, violent, or substance abusing juvenile offenders, ages 12 to 17, produces a beneficial cost ratio of \$28.33 for every dollar spent.
6. **The Job Training Partnership Act (JTPA)** produces a negative bottom line of -\$4,562 per participant.
7. **Scared Straight Type Programs** cost little up-front but actually end up costing taxpayers thousands because of higher recidivism rates.

I must stress one point about such evaluations. Simply because a particular program works or doesn't work in one jurisdiction does not mean the same results will be achieved elsewhere. How a particular program is run or implemented is critical. A good program can be badly run; and even seemingly poor programs can achieve decent results.

This point might be illustrated when we look at studies of the effectiveness of **Drug Courts**. The Washington State report finds them somewhat effective. While their report shows they just barely break even from a taxpayer's perspective, when crime victim benefits are included in the economic bottom line, they produce a benefit-to-cost ratio of \$2.83 of benefits per dollar of cost.

A study of the Polk County Drug Court on the other hand shows a slightly different result. It is worthwhile that we look at that program, recently evaluated by the Division of Criminal and Juvenile Planning (CJJS).

Polk County has had a drug court since 1996. Like other drug courts, it provides intensive treatment and supervision to a targeted group of substance abusers who have become involved with the criminal justice system. The Polk county Drug Court serves probationers who are targeted for revocation by DCS and meet certain screening criteria. As the program matured and experience was gained, elements that contributed most to good outcomes were identified and some of the original design parameters were modified. Those involved in the effort judge it to be generally successful.

Paul Stageberg, Ph.D. of the Division of Criminal and Juvenile Planning (CJJS) led the team that evaluated the Polk County program. His report observed that Drug Court graduates had a lower post-program recidivism than comparison groups. He found the program to be particularly useful for felons rather than misdemeanants, with a "particularly salutary effect" on women. Minorities were not helped as much as others. One of his most important findings was that *the program reduced overall correction costs.*

But one of Dr. Stageberg's most significant observations was that *"a change on the players on a drug court team can have a dramatic effect on the operation of a drug court, influencing the types of clients accepted and the manner in which they are handled."* When one assistant county attorney was replaced by another, there were significant differences in the outcomes. In short, how a program is implemented is very important.

The Stageberg study shows the value of conducting formal evaluations because it can be used as the basis for recommending that the Polk county Drug Court Program be used as a model for establishing similar programs in other jurisdictions. It also provides information as to what elements might be used to try other programs with slightly modified design parameters.

While the Stageberg report shows the Polk County Drug Court program is effective in lowering post-program recidivism, the report also notes the program has problems. His discussion of those problems should lead one to conclude that if and when the program is expanded state wide, as is currently planned, it should be monitored and evaluated continually.

Boot Camps

Boot camps were quite popular for awhile. I have come to realize that there are perhaps as many fads in Corrections as there are in the Paris fashion world. As I noted previously, the Washington State Report found they were not effective. Juvenile Boot Camps, because they produced higher recidivism rates, produced an expected **negative** bottom line of \$3,587 per participant.

Adult Boot Camps were perhaps somewhat more effective because, while they had no apparent effect on subsequent recidivism rates, they were cheaper than regular incarceration. According to the Washington State Report, the range of benefits "appear to be somewhere between \$10,000 per boot camp participant for a true diversion from prison to \$3,500 of net benefit for a partial diversion from prison."

I became interested in Boot Camps because I was contacted by a dedicated Des Moines middle school principal, Nina Dunker, who has taken a special interest in the need for programs for "high risk" students. She told me about the National Guard Challenge Program, a type of boot camp that appears quite promising and has shown good results. She thought Iowa would benefit if such a program were established here. I agree.

I asked people at the Criminal and Juvenile Justice Planning Division (CJJP) if they had any information on boot camps. They didn't but Richard Moore, the administrator of the CJJP, informed me that the DHS had been instructed some years back by the General Assembly to create a couple of highly structured residential facilities. He thought these programs, similar to boot camps, were still operating, one at Woodward Academy and the other as a part of Family Resources, Inc. I tried to get in touch with the contact names he gave me but found both phone numbers had been disconnected or reassigned. I could not locate any other information on these programs and I don't know what has happened to this experiment.

I did, however, receive enough information about the National Guard Challenge Program to conclude that Iowa should try to set up that program. You can get information about the program from its web site at <http://www.ngycp.org>. The ChalleNGe program is a preventive rather than remedial youth-at-risk program, that targets unemployed drug-free and non-offender high-school dropouts, 16 to 18 years of age. Core components of the program are citizenship, academic excellence (GED/high school diploma attainment), life-coping skills, community service, health and hygiene, skills training, leadership/followership, and physical training.

There appear to be at least two key differences between that program and the typical boot camp many states set up. First, there is a strong emphasis on education and getting a GED or a high school diploma. Second, there is a program attached where the five-month residential phase is followed by a year-long mentoring relationship with a specially trained member from each youth's community.

The program is not designed for youthful offenders who have been brought before the courts. Rather it is set up for high-risk or delinquent youths, almost all of them high school dropouts or expellees, who appear to stand a good chance of becoming offenders later if they don't mend their ways.

The program is fairly expensive. The cost is about \$15,000 per targeted enrollee. But the federal government currently pays 60% of the cost with the state or the local community picking up the other 40%. If these same youths had stayed in school, the tax payer would be spending over \$7,000 a year to educate them through the school aid formula. Therefore I think it would be reasonable to set up a voucher type program so that the school funds could be spent to fund the National Guard Challenge Program. Such an approach would avoid any direct charges to the state's general fund.

The Challenge program currently operates in over 20 states and the results appear to have been excellent. The program has been extensively evaluated and a recent Congressional report noted that the graduation rate was 86% of the target enrollment. The report observed that "the program is a cost-effective intervention that is successfully achieving its primary objective of returning these individuals to their communities with educational and life skills they need to be successful."

I bring the National Guard Challenge Program to your attention because while it does not bear directly on Iowa's Corrections problems, I am convinced that early intervention with high-risk youths can pay dividends by lowering future prison populations. If the Iowa Legislature is interested in establishing such a program it needs to act this year to be eligible for funding in 2004. I would be happy to provide any interested legislators with information about the program. I think it is a much better option than traditional boot camps.

Additional Recommendations

Iowa's budget is in sad shape and no one bit of legislative magic will improve the situation in the short term. There are no silver bullets. Some legislators are beginning to acknowledge the need to consider more cost-effective alternatives. Some are noting, for example, that it is demonstrably more cost effective to deal with certain offenders through the CBCs rather than by incarcerating them in prisons. But there are other cost-effective approaches that should also be considered.

Before I start to discuss the alternatives, particularly those that are concerned with drug offenders, I might note, for those who wonder about such things, that I am not some kind of pot smoking felon hugging long haired hippie advocate for prisoners and prison reform. [Some opponents of prison reform sometimes like to use phrases like that and I thought it best to preempt them.] I have never tried marijuana, not even the "not inhaling" sort of tryout President Clinton once confessed to. When I was in graduate school in the 60's, I once was at a party attended by what I might call poet types. Everybody was sitting around talking late at night on a living room floor when someone passed around a joint. Most took a deep drag, sighed deeply and passed it on. When it got to me I made a quick inventory of all the vices I then currently enjoyed, decided I was booked

up and passed it on unsmoked, feeling at the time a bit self-righteous for my decision to sin no more.

My interest is in exploring how the current Iowa corrections system can be made more cost effective without sacrificing the public's and my own legitimate concerns for public safety. Drug offenders are taking up an ever-increasing amount of the attention of Iowa's Criminal Justice System and it is worth paying special attention to that particular aspect of the Corrections problem. I am convinced that the current approach to drug offenders is not cost effective for a number of reasons.

Substance Abuse Treatment Programs

The common perception of treatment programs is that they do not work. *“Don't talk to me about that treatment crap. It's the state's job to rehabilitate prisoners, and obviously it's not working because they just keep winding up back here. I say, give 'em 85 years and let them rot.”* Statement made by Black Hawk County Sheriff Mike Kubik as reported in the Des Moines Register on July 6, 1999.

Harsh words. But in some sense Sheriff Kubik was right. He was right because for most inmates there is no treatment. Fewer than one in 10 inmates regularly attend substance abuse treatment programs while in prison even though some 80% of those in prison have been identified as having a substance abuse problem.

But Sheriff Kubik is wrong in another sense. Numerous national studies have underscored the benefits of treatment in reducing crime. Treatment programs can work. We know that they don't always work and they don't work for everyone. Further research is needed to help identify the most effective approaches. But as the Washington State Study points out, Community-Based Substance Abuse Treatment for offenders shows a benefit-to-cost ratio of \$3.30 of benefits per dollar of cost. Drug Treatment Programs in Jails show a benefit-to-cost ratio of \$3.87 of benefits per dollar of cost.

Such programs are difficult to operate when the Prisons and the CBCs are understaffed and underfunded. Many CBC case officers handle caseloads of more than 100 offenders. Pause for a moment and reflect how you could help direct such a large caseload and work successfully with felons with substance abuse problems to assist them in transitioning back into society.

The whole system is underfunded --- all the way through – the whole system. When you run a warehouse program you get the same product going in the front door as goes out the back. Warehouses do not add value to their product.

- “Less than 1.5 percent of prison budget goes to addiction treatment.”
- “One in six inmates committed crimes to buy drugs, four in five used drugs regularly.”
- “Inmates serving time for drug crimes in Iowa prisons doubled within five years.”

--- *Thousands of Iowa Inmates battle their addiction alone.*

Des Moines Register July 6, 1999