

PUBLIC SAFETY ADVISORY BOARD

REPORT TO THE IOWA GENERAL ASSEMBLY

DECEMBER, 2011

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INTRODUCTION

The Iowa General Assembly, during its 2010 legislative session, created a new body, the Public Safety Advisory Board (PSAB). The purpose of the Board is to provide the General Assembly with an analysis of current and proposed criminal code provisions. The mission of this Board is to provide research, evaluation, and data to the General Assembly in order to improve the criminal justice system in Iowa in terms of public safety, improved outcomes, and appropriate use of public resources.

The duties of the board, as enumerated in the Code, shall consist of the following:

- a. Reviewing and making recommendations relating to current sentencing provisions. In reviewing such provisions the board shall consider the impact on all of the following:
 - (1) Potential disparity in sentencing.
 - (2) Truth in sentencing.
 - (3) Victims.
 - (4) The proportionality of specific sentences.
 - (5) Sentencing procedures.
 - (6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.
 - (7) Best practices related to the department of corrections including recidivism rates, safety and efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.
 - (8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.
- b. Reviewing and making recommendations relating to proposed legislation, in accordance with paragraph "a", as set by rule by the general assembly or as requested by the executive or judicial branch proposing such legislation.
- c. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.
- d. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

The following report is the compilation of the PSAB's deliberations for submittal to the General Assembly as required. The PSAB respectfully submits this report, and welcomes the opportunity to provide any additional assistance to the Legislature upon request.

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Overview of Deliberations

The Public Safety Advisory Board met five times during CY2011. It held three formal meetings on July 7, September 14, and December 7. In addition, on January 20 and 21, the PSAB conducted a two-day strategic planning session, utilizing the services of the Pew Foundation and National Governor's Association (NGA). On October 27, the PSAB also co-sponsored a presentation from the Pew Foundation on Results First, a project designed by Washington State to utilize data to develop cost-benefit analyses of actual and potential policy decisions.

Strategic Planning Event

The first day of the planning event involved conversations with members of the Iowa House of Representatives and the Iowa Senate. The purpose of these conversations was to determine the issues of importance to members of the General Assembly, and to acquaint them with the possible assistance available through the Public Safety Advisory Board, the NGA, and Pew Foundation.

On the second day, PSAB members and other interested parties heard presentations from Thomas MacLellan (NGA), Judge Roger Warren, and Former Kansas Secretary of Corrections Roger Werholtz. The afternoon was spent in small groups, identifying areas of concern in the judicial/corrections system in Iowa.

The PSAB identified the following key areas of interest:

- Mandatory minimums
- Crack vs. Powder Cocaine
- Public opinion survey
- Risk assessment
- Parole modifications
- Summary arrests
- Parole Board staffing/resources
- Forcible felonies
- County jails for felonies
- Expanding pre-trial release
- Mental health
- Education on issues/costs
- Data

These are areas of concern that the PSAB hopes to address over the next few years.

2011 Report Content

At the three formal public meetings, the PSAB received and considered research on three issues:

- mandatory minimum sentences for drug offenders,
- domestic abuse protective orders, and
- juvenile waivers to adult court.

Domestic abuse protective orders and juvenile waivers were included from issues that were identified during CY2011 deliberations. The mandatory minimum issue was identified both in 2011 and during the strategic planning session.

In addition, the PSAB continues to support equalizing the penalties between crack and powder cocaine.

This report contains the summaries of the mandatory minimum findings, with recommendations, the summary of the domestic abuse/protective order findings, as an information item to the General Assembly, and the recommendation on crack/powder cocaine from the 2010 Report to the Legislature. The report on juvenile waivers was deferred to a future report.

The full study for mandatory minimums for drug offenders can be found in Appendix A. The full study for domestic abuse/protective orders can be found in Appendix B.

Crack/Powder Cocaine

The PSAB makes the following recommendation:

Amend IA Code 124.401 for the amounts of crack cocaine.

- a. 124.401(a)(3) to greater than 125 grams
- b. 124.401(b)(3) to greater than 35 grams and not more than 125 grams
- c. 124.401(c)(3) to equal to or less than 35 grams

The PSAB voted to approve the above legislative changes, which reduces the disparity between crack cocaine and powder cocaine penalties, by a vote of 9 in favor and 6 against. Further discussion led to a consensus by the PSAB that the amounts and attendant penalties for the two forms of cocaine should be equalized. However, the PSAB has not agreed on how this should be accomplished.

This will continue to be studied for further discussion during 2012.

Mandatory Minimums for Drug Offenders

A mandatory minimum sentence requires that offenders serve a certain portion of their sentence in confinement, without the possibility of parole, until they have served the required portion of time. Mandatory minimum sentencing became popular in the 1980s and 1990s as a proposed way to control crime and create equity in sentencing. However, a growing body of research indicates that mandatory sentencing is ineffective and has not reduced recidivism rates or gender, age, and race disparities. In addition, exceptions in the law allow for reductions in mandatory sentencing if offenders provide helpful information to authorities, typically benefiting high risk offenders and resulting in higher incarceration of low risk offenders.

This study was undertaken to assess the effectiveness of mandatory minimum sentences for drug traffickers. In Iowa, the drug offender mandatory minimum is required by Code of Iowa §124.413 and requires offenders to serve at least one-third of the maximum sentence of their offense class. Code of Iowa §901.10 allows for reductions in the mandatory minimum sentence.

The cohort studied here included drug traffickers who entered prison as new admissions or probation violators and who were released from prison or work release in FY2007. Those who served mandatory sentences were compared to those whose mandatory sentences were waived (eligible but not serving a mandatory sentence). The total in the study cohort was 625. The outcome of interest in the study was recidivism, defined as a return-to-prison within three years. Outcomes for all cohort members were examined excluding foreign-born offenders who may not have had an opportunity to recidivate due to deportation or federal incarceration. The major findings are summarized below. Detailed data and other findings are provided in the outcomes section.

Primary Findings

Characteristics of Those Serving the Mandatory Sentence

- Sixty-two percent of drug traffickers in the cohort served mandatory sentences.
- The typical drug trafficker serving a mandatory sentence was a white male who was 30.7 years old at prison entrance and was convicted of a C felony involving methamphetamines. Within this cohort, there were differences among the groups examined. Compared to those waived, for example, offenders who served mandatory sentences were more likely to be older, white, and convicted of a B felony or felony enhancement involving methamphetamines.
- Whites represented a higher percent of offenders serving the mandatory minimum than those waived (75% vs. 53%). African Americans and Hispanics were over-represented among those waived (for African Americans, 23% vs. 15%; for Hispanics, 20% vs. 9%). This may be due to the type of drug involved. Iowa's mandatory sentence is more severe for methamphetamine convictions, a predominantly "white" drug. Cocaine offenders were predominantly African-American, while methamphetamine offenders were predominantly white and/or Hispanic.
- The majority (70%) of those serving mandatory sentences exited soon after their minimum parole date, suggesting that some would have been paroled sooner in the absence of the mandatory minimum.
- Nearly all B felons (97%) and most C felons (74%) served mandatory sentences. D felons are statutorily ineligible for mandatory terms. In terms of the type of drug of conviction, 88% of cocaine traffickers and 61% of methamphetamine traffickers were C felons. Nearly all marijuana traffickers were D felons (95%) and thus were ineligible to receive mandatory sentences.
- When examining judicial districts, there does *not* appear to be a relationship between the percentage of offenders who served mandatory sentences and recidivism. However, some judicial districts are more likely than others to waive the mandatory sentence for eligible drug traffickers. Drug traffickers convicted in Districts 3 and 7 were least likely to serve mandatory sentences and were most likely to be waived. In District 3, this could be attributed to having lower risk offenders, as, based upon the Level of Service Inventory-Revised (LSI-R), the district had among the highest percentage of low or low/moderate risk offenders. District 7 had the highest percentage of offenders whose level of risk was not assessed at prison entrance. The same district also showed the highest minority representation.

Recidivism

- Recidivism was defined as any return to prison within three years of offenders' release from prison or work release.
- Regardless of having served a mandatory sentence, the majority of offenders had a low to moderate risk of offending at release from incarceration and did not return to prison within three years of release.
- Mandatory minimum sentences did not appear to deter future criminal activity, as return-to-prison rates were slightly higher for those who received mandatory minimum terms than for those who were eligible for such terms but whose terms were waived (33% vs. 28%). On a positive note, those serving the mandatory sentence committed less serious new offenses. It is difficult to know whether the differences in comparison groups are due to the mandatory minimum sentence or to post-release factors that may have affected the likelihood of recidivism.
- Class B felons who served the mandatory sentence had lower recidivism rates than C felons who served it (24% vs. 37%). This may be attributed to B felons' having lower risk levels at release from incarceration.

- Cocaine offenders had a higher overall return-to-prison rates and more returns on new convictions than methamphetamine offenders (overall, 45% vs. 30%; for new convictions, 22% vs. 15%).
- In terms of reducing recidivism, mandatory sentences were ineffective for both cocaine and methamphetamine offenders, but particularly for cocaine offenders. The differential in recidivism rates between those serving mandatory terms vs. those whose terms were waived was greater for cocaine traffickers (50% vs. 35%). There was less difference in return-to-prison rates for methamphetamine traffickers (31% vs. 26%).
- African-Americans overall and in each drug category were more likely than Hispanics and Caucasians to return to prison (although they were also more likely to return on technical violations rather than new convictions).

Level of Risk from the Level of Service Inventory Revised (LSI-R)

- Mandatory sentencing may have an effect on reducing offenders' LSI-R risk scores. Those whose LSI-R scores improved during incarceration tended to serve more time in prison than those whose scores either remained unchanged or worsened. Furthermore, those whose risk scores worsened over the course of prison had higher returns-to-prison rates than those whose risk improved (30% vs. 20%).
- LSI-R risk assessment scores submitted within 180 days before or after **prison entrance** appear to be an adequate indicator of a criminal history. They are also good at predicting returns-to-prison for drug traffickers in the cohort and are associated with returns-to-prison for each drug type. This suggests that the availability of LSI-R scores at sentencing can reduce the need for mandatory minimum sentences, as judges can use these scores in the determination of whether offenders should be sentenced to prison and whether a mandatory minimum sentence should be imposed.
- LSI-Risk assessment scores submitted within 180 days before or after **release** from incarceration are associated with the likelihood of returning to prison for drug traffickers in the cohort, for each drug type, and for the timing of being granted parole among those who served mandatory sentences (within six months of parole eligibility or later than six months). This suggests that the Board of Parole could use updated LSI-R assessments in determining the timing of discretionary release opportunities.
- Both cocaine and methamphetamine offenders who served mandatory sentences had higher median LSI-R scores at prison entrance than comparable drug offenders who were waived.
- Cocaine offenders had slightly higher LSI-R risk assessment scores than methamphetamine offenders at prison entrance (36 vs. 32) and release (29 vs. 26). Methamphetamine offenders tended to be more likely to have prior criminal histories, but cocaine offenders who had criminal histories generally had more convictions, particularly violent convictions.

Costs

- There is a large cost associated with mandatory sentences. After considering differences in the average length of stay (LOS) for those with and without mandatory minimums, eliminating the mandatory sentence for all offenders in the cohort would have saved an estimated \$1,449,703.80 overall, \$359,948.16 for B felons, and \$573,903.36 for C felons.

Cost Savings	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Drug Traffickers (overall)	9.5	285	388	\$13.11	\$5,086.68	\$1,449,703.80
B Felons	8.8	264	104	\$13.11	\$1,363.44	\$359,948.16
C Felons	5.7	171	256	\$13.11	\$3,356.16	\$573,903.36

- If mandatory sentences were eliminated only for low or low/moderate risk offenders in the cohort, it would have resulted in cost savings without increasing recidivism. Low or low/moderate risk offenders who served mandatory sentences accounted for 18% of the total cost savings of assessed prisoners in the cohort. Maintaining the current mandatory sentencing policy for moderate and moderate/high or high risk offenders would not reduce recidivism (those who served mandatory terms had higher return-to-prison rates than those who were waived), however, it would incapacitate those offenders most likely to return to prison for a longer time period.

Conclusions

1. Serving a longer prison time can potentially reduce offenders' LSI-R risk scores.
2. Mandatory minimum sentences for drug traffickers do not appear to reduce recidivism; however, they may keep more serious offenders in prison longer, postponing the opportunity to reoffend.
3. Offender risk should be considered when making sentencing decisions involving mandatory sentences. Providing offenders' levels of risk at sentencing can help determine whether offenders should be sentenced to a mandatory term.
4. Eliminating mandatory sentences for low/low moderate risk offenders would result in cost savings without changing return-to-prison rates.
5. LSI-R risk assessment scores at entrance and particularly at release appear to better predict recidivism than length of stay in prison or the type of drug an offender was convicted of trafficking.

Recommendation of the Public Safety Advisory Board

The PSAB recommends that a validated risk assessment be made a standard part of pre-sentence investigation reports and that sufficient training is provided to those in the criminal justice system (defense, prosecutors, and the judiciary) so that the assessments are utilized appropriately.

Domestic Abuse Protective/No Contact Orders

Summary

Deterring abuse is important to ensuring safety among domestic violence and assault victims. Protective orders are tools aimed at restricting contact between the victim and the abuser to prevent

subsequent violence. While empirical research has indicated that protective orders are effective, the extent of the effectiveness is uncertain because violation rates have varied widely from study to study. In addition, little research exists to explain how violations of protective orders are handled, which factors are considered when giving penalties, and whether certain situations lead to a given type of penalty. Punishing protective order violators is important because, if abusers have violated the order once, it is likely that they will do so again; without enforcement, the order is essentially a piece of paper that does not protect the victim from danger. Another important consideration is the nature of the punishment. Iowa law allows defendants accused of domestic abuse contact order violations to be charged with civil contempt or a criminal misdemeanor. These two penalties differ in severity and impact on the offender's criminal record. The current study attempts to fill these gaps in the research. The purpose of the study was to

- 1) Examine practices for handling protective order violations and compare Iowa's eight judicial districts to identify whether there are differences in court practices.
- 2) Determine the effectiveness of protective orders in Iowa by calculating protective order violation rates and subsequent occurrences of domestic violence.

The first research question was addressed through the use of a survey of county attorneys and judges. The purpose of the survey was to identify variations among the districts in procedures pertaining to protective/no contact orders and differences in how violations of orders are treated (as civil contempt or criminal simple misdemeanor) as allowed under Iowa Code §664A.7. The survey also asked participants about their opinions on the effectiveness of Iowa Code §664A.7, their perspectives on certain aspects of the law, and their ideas on how it could be improved. The questionnaire, which was developed in collaboration with county attorneys and a judge, was reviewed by several other legal professionals to ensure that questions were appropriate and relevant. An email providing a link to the online questionnaire was sent to all 99 county attorneys and all eight judicial district chief judges and administrators.

One-hundred twenty nine respondents participated in the online survey, and of those, 104 surveys were returned completed. County prosecutors, magistrates, and district judges were fairly evenly represented as respondents, but fewer district associate judges participated in the survey.

Although there are differences among the judicial districts in practice, the majority appear to be minor. The most significant differences appear to be in how violations of protective and no contact orders are charged. Iowa Code §664A.7 allows for violations to be considered either contempt of court or simple misdemeanors. In addition, some jurisdictions use Iowa Code §665.2, a more general contempt of court, to respond to domestic abuse protective/no contact order violations. There are also variations in the average length of jail time for violators.

"Often" or "Very Often" used for a charging a CIVIL PROTECTIVE ORDER violation? (n=117)				
	N	Civil Contempt (664A.7)	Criminal Simple Misdemeanor (664A.7)	Contempt of Court (665.2)
District 1	12	17%		
District 2	5	40%	20%	
District 3	15	27%	20%	27%
District 4	4	25%	75%	25%
District 5	34	62%	15%	29%
District 6	15	33%	20%	27%
District 7	14	50%	29%	36%
District 8	18	28%	22%	6%

Jail Time for Multiple Violations of Civil Contempt Charges					
	N	1 week or Less	2 weeks	3 weeks	1 month or More
District 1	10	20%	20%	20%	40%
District 2	5	60%	40%		
District 3	14	21%	21%	14%	43%
District 4	3	67%			33%
District 5	32	16%	9%	13%	63%
District 6	13	15%	15%	15%	54%
District 7	14	14%	7%	7%	71%
District 8	16	19%	25%		56%

Jail Time for Multiple Violations of Criminal Simple Misdemeanor Charges					
	N	1 week or Less	2 weeks	3 weeks	1 month or More
District 1	10	10%	20%	20%	50%
District 2	5	40%	60%		
District 3	14	14%	29%	14%	43%
District 4	3	33%			67%
District 5	32	9%	13%	13%	66%
District 6	13	15%	23%	15%	46%
District 7	14	7%	14%	7%	71%
District 8	16	31%	25%		44%

A sample was drawn of 768 individuals who were defendants with protective and/or no contact orders in place during a six-month period from January 2009 through June 2009 for domestic abuse cases. This sample was used to examine subsequent violations and new domestic abuse charges and convictions. There are

limitations to this part of the study due to issues such as multiple case IDs, multiple orders, and a lack of victim identifiers in the court system.

Overall, there was a 16% rate of violations of protective and no contact orders during the study time period, based upon convictions. There were variations in conviction rates and type of conviction (criminal compared to civil) among the judicial districts. However, in some instances the numbers were too small to permit statistical inferences. The conviction rate for subsequent domestic abuse offenses was 15.6% during the study period. There was no appreciable difference between those who had violated a protective/no contact order and those who did not. Analysis was not done on length of time from the issuance of an order to time of violation or new domestic abuse charge/conviction.

Violations of Order By Case Type

District	Civil Contempt		Criminal Misdemeanor		Contempt of Court		Total	
	N	%	N	%	N	%	N	%
1	9	47.4%	5	26.3%	5	26.3%	19	14.8%
2	3	18.8%	6	37.5%	7	43.8%	16	12.5%
3	5	62.5%	0	0.0%	3	37.5%	8	6.3%
4	0	0.0%	2	100.0%	0	0.0%	2	1.6%
5	18	69.2%	6	23.1%	2	7.7%	26	20.3%
6	20	69.0%	1	3.4%	8	27.6%	29	22.7%
7	11	84.6%	2	15.4%	0	0.0%	13	10.2%
8	6	40.0%	7	46.7%	2	13.3%	15	11.7%
Total	72	56.3%	29	22.7%	27	21.1%	128	100.0%

Subsequent Convictions by Offense Type (Unique Count)

	Violation		No Violation		TOTAL	
	N	%	N	%	N	%
Domestic Abuse	22	51.2%	21	48.8%	43	35.8%
Harassment	6	42.9%	8	57.1%	14	11.7%
Stalking	1	50.0%	1	50.0%	2	1.7%
Other Domestic	31	50.8%	30	49.2%	61	50.8%
Total	60	50.0%	60	50.0%	120	100.0%

**Other Domestic included mostly violations of probation*

Recommendation of the Public Safety Advisory Board

The PSAB recommends the study to the Iowa General Assembly for information purposes. No further recommendations are intended at this time.

Items for Future Study

The Public Safety Advisory Board has identified the following topics for future research and or discussion.

1. Disparity between crack and powder cocaine
2. Juvenile jurisdiction/adult waivers
3. Participation with the Pew Foundation and Results First

APPENDIX A

PUBLIC SAFETY ADVISORY BOARD

Final Report: Outcomes of Mandatory Minimum Sentences
for Drug Traffickers

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Executive Summary

A mandatory minimum sentence requires that offenders serve a certain portion of their sentence in confinement, without the possibility of parole, until they have served the required portion of time. Mandatory minimum sentencing became popular in the 1980s and 1990s as a proposed way to control crime and create equity in sentencing. However, a growing body of research indicates that mandatory sentencing is ineffective and has not reduced recidivism rates or gender, age, and race disparities. In addition, exceptions in the law allow for reductions in mandatory sentencing if offenders provide helpful information to authorities, typically benefiting high risk offenders and resulting in a higher incarceration of low risk offenders.

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Primary Findings

- 1) Those serving mandatory sentences had higher recidivism rates than offenders who were waived.
- 2) Offenders who were released within six months of reaching their parole eligibility date had lower recidivism rates than those who were paroled later than six months.
- 3) Among those who served mandatory sentences, B felons had lower recidivism rates than C felons.
- 4) Risk scores around the time of prison entrance appear to be a factor in explaining the differential prison returns rates between those with mandatory sentences and those who were waived.

Characteristics of Those Serving the Mandatory Sentence

- Sixty-two percent of drug traffickers in the cohort served mandatory sentences.
- The typical drug trafficker serving a mandatory sentence was a white male who was 30.7 years old at prison entrance and was convicted of a C felony involving methamphetamines. Within this cohort, there were differences among the groups examined. Compared to those waived, for example, offenders who served mandatory sentences were more likely to be older, white, and convicted of a B felony or felony enhancement involving methamphetamines.

- Whites represented a higher percent of offenders serving the mandatory minimum than those waived (75% vs. 53%). African Americans and Hispanics were over-represented among those waived (for African Americans, 23% vs. 15%; for Hispanics, 20% vs. 9%). This may be due to the type of drug involved. Iowa's mandatory sentence is more severe for methamphetamine convictions, a predominantly "white" drug. Cocaine offenders were predominantly African-American, while methamphetamine offenders were predominantly white and Hispanic.
- The majority (70%) of those serving mandatory sentences exited soon after their minimum parole date, suggesting that some would have been paroled sooner in the absence of the mandatory minimum.
- Nearly all B felons (97%) and most C felons (74%) served mandatory sentences. D felons are statutorily ineligible for mandatory terms. In terms of the type of drug of conviction, 88% of cocaine traffickers and 61% of methamphetamine traffickers were C felons. Nearly all marijuana traffickers were D felons (95%) and thus were ineligible to receive mandatory sentences.
- When examining judicial districts, there does *not* appear to be a relationship between the percentage of offenders who served mandatory sentences and recidivism. However, some judicial districts are more likely to waive the mandatory sentence for eligible drug traffickers. Drug traffickers convicted in Districts 3 and 7 were least likely to serve mandatory sentences and were most likely to be waived. In District 3, this could be attributed to having lower risk offenders, as, based upon the LSI-R, the district had among the highest percentage of low or low/moderate risk offenders. District 7 had the highest percentage of offenders whose level of risk was not assessed at prison entrance. The same district also showed the highest minority representation.

Recidivism

- Recidivism was defined as any return to prison within three years of offenders' release from prison or work release.
- Regardless of having served a mandatory sentence, the majority of offenders had a low to moderate risk of offending at release from incarceration and did not return to prison within three years of release.
- Mandatory minimum sentences did not appear to deter future criminal activity, as return-to-prison rates were slightly higher for those who received mandatory minimum terms than for those who were eligible for such terms but whose terms were waived (33% vs. 28%). On a positive note, those serving the mandatory sentence committed less serious new offenses. It is difficult to know whether the differences in comparison groups are due to the mandatory minimum sentence or to post-release factors that may have affected the likelihood of recidivism.
- Class B felons who served the mandatory sentence had lower recidivism rates than C felons who served it (24% vs. 37%). This may be attributed to B felons' having lower risk levels at release from incarceration.
- Cocaine offenders had a higher overall return-to-prison rates and more returns on new convictions than methamphetamine offenders (overall, 45% vs. 30%; for new convictions, 22% vs. 15%).
- In terms of reducing recidivism, mandatory sentences were ineffective for both cocaine and methamphetamine offenders, but particularly for cocaine offenders. The differential in recidivism rates between those serving mandatory terms vs. those whose terms were waived was greater for cocaine traffickers (50% vs. 35%). There was less difference in return-to-prison rates for methamphetamine traffickers (31% vs. 26%).

- African-Americans overall and in each drug category were more likely than Hispanics and Caucasians to return to prison (although they were also more likely to return on technical violations rather than new convictions).

Level of Risk from the Level of Service Inventory Revised (LSI-R)

- Mandatory sentencing may have an effect on reducing offenders’ LSI-R risk scores. Those whose LSI-R scores improved during incarceration tended to serve more time in prison than those whose scores either remained unchanged or worsened. Furthermore, those whose risk scores worsened over the course of prison had higher returns-to-prison rates than those whose risk improved (30% vs. 20%).
- LSI-R risk assessment scores submitted within 180 days before or after **prison entrance** appear to be an adequate indicator of a criminal history. They are also good at predicting returns-to-prison for drug traffickers in the cohort and are associated with returns-to-prison for each drug type. This suggests that the availability of LSI-R scores at sentencing can reduce the need for mandatory minimum sentences, as judges can use these scores in the determination of whether offenders should be sentenced to prison.
- LSI-Risk assessment scores submitted within 180 days before or after **release** from incarceration are associated with the likelihood of returning to prison for drug traffickers in the cohort, for each drug type, and for the timing of being granted parole among those who served mandatory sentences (within six months of parole eligibility or later than six months). This suggests that the Board of Parole could use updated LSI-R assessments in determining the timing of discretionary release opportunities.
- Both cocaine and methamphetamine offenders who served mandatory sentences had higher median LSI-R scores at prison entrance than comparable drug offenders who were waived.
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Costs

- There is a large cost associated with mandatory sentences. After considering differences in the average length of stay (LOS) for those with and without mandatory minimums, eliminating the mandatory sentence for all offenders in the cohort would have saved an estimated \$1,449,703.80 overall, \$359,948.16 for B felons, and \$573,903.36 for C felons.

Cost Savings	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
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B Felons	8.8	264	104	\$13.11	\$1,363.44	\$359,948.16
C Felons	5.7	171	256	\$13.11	\$3,356.16	\$573,903.36

- If mandatory sentences were eliminated only for low or low/moderate risk offenders in the cohort, it would have resulted in cost savings without increasing recidivism. Low or low/moderate risk offenders who served mandatory sentences accounted for 18% of the total cost savings of assessed prisoners in the cohort. Maintaining the current mandatory sentencing policy for moderate and moderate/high or

high risk offenders would not reduce recidivism (those who served mandatory terms had higher return-to-prison rates than those who were waived), however, it would incapacitate those offenders most likely to return to prison for a longer time period.

Conclusions

1. Serving a longer prison time can potentially reduce offenders' LSI-R risk scores.
2. Mandatory minimum sentences for drug traffickers do not appear to reduce recidivism; however, they may keep more serious offenders in prison longer, postponing the opportunity to reoffend.
3. Offender risk should be considered when making sentencing decisions involving mandatory sentences. Providing offenders' levels of risk at sentencing can help determine whether offenders should be sentenced to a mandatory term.
4. Eliminating mandatory sentences for low/low moderate risk offenders would result in cost savings without changing return-to-prison rates.
5. LSI-R risk assessment scores at entrance and particularly at release appear to better predict recidivism than length of stay in prison or the type of drug an offender was convicted of trafficking.

Additional Considerations when Interpreting Findings

This study did not use random assignment to establish comparison groups. Therefore, inherent differences in the comparison groups may contribute to the differential return-to-prison rates observed among offenders who served mandatory sentences vs. those who were waived; among those who were released within six months after reaching parole eligibility vs. those released after six months; and among B felons and C felons. Factors that make the groups different may contribute to offenders' outcomes in sentencing decisions and parole considerations and may ultimately affect recidivism rates. For example, having a previous criminal history may increase the likelihood that an offender receives a mandatory sentence or is denied parole. The study's analysis of LSI-R risk assessments, which takes into consideration previous criminal history, suggests that this may have occurred. In turn, having a criminal history may affect recidivism rates, as offenders who have extended criminal histories are more likely to have established a reoccurring pattern of criminality. Offenders' conduct in prison is another factor not examined in this study which could affect both the timing of release and the likelihood of recidivism.

Post-release factors not included in this study may also contribute to the differential recidivism rates among the comparison groups. After release from prison, offenders may have very different life experiences. Employment, establishing positive relationships that do not involve drugs, and receiving drug treatment are among the factors that may reduce the likelihood of recidivism and were not included in the study.

The study defined recidivism as a return to prison within three years of release. Using an alternative definition of recidivism, such as all new convictions, would have yielded different results. For example, offenders who were waived and did not serve mandatory sentences may simply be *less* likely to return to prison due to factors not included here. In reoffending, they may also have committed less serious offenses that resulted in sentences of probation rather than prison. Nevertheless, the return-to-prison measure is of

particular interest in this study because prison is a more costly option than other types of placements that don't consume prison space and resources.

Finally, the examination of LSI-R scores was a primary area interest in the study. However, the levels of risk for 33% of the drug traffickers were not assessed within 180 days of their entrance to prison. Those who were waived were slightly more likely to have risk assessments at prison entrance than those who served mandatory sentences. On the other hand, those who served the mandatory minimum were more likely to have risk assessments at release from incarceration than those who were waived.

Literature Review

Mandatory minimum sentencing (MMS) laws became popular among state and federal governments in the 1980s and 1990s as part of the punitive "war on drugs" effort. MMS requires offenders to serve pre-determined sentences, depending on considerations such as the type and amount of drug and the offender's number of prior convictions. In establishing MMS, the intent was to create equity in sentencing and reduce geographic and judicial variations by creating a more uniform system, reducing and deterring crime by sending the message to the public that drug use would be punished. However, many advocacy organizations (e.g., Families against Mandatory Minimums and Drug Policy Alliance), legal practitioners, and researchers argue that the laws have resulted in unintended negative consequences. Law reviews, political essays, and opinion papers are prevalent in the literature, but fewer empirical studies can be found, and among those, none show direct benefits of MMS. Most of the studies found on sentencing reform and MMS have been conducted by the Vera Institute of Justice, Rand Corporation, and the Sentencing Project.

Research suggests that MMS has not created equity in sentencing, but has simply shifted discretion from neutral judges to prosecutors, who determine the appropriate charges to file based on various legal and personal factors (Mascharka; Ulmer, Kurlychek, & Kramer 2007). Determinate sentencing has not reduced the gender, age, and race disparities in the criminal justice system (Schlesinger 2011; for review see Brennan & Spohn 2008). Other factors, such as a state's specific sentencing reforms (Engen 2009), existing minority disadvantage, and the interaction of personal variables (such as being minority, unemployed, male, and youthful) can account for these disparities (Wooldredge 2009). Furthermore, sentences are reduced for offenders who can provide information that is helpful to authorities, typically benefiting high-level drug offenders and disadvantaging low-level offenders, who are overrepresented in the prison system (DPA 2010, Mascharka).

State governments are reexamining and reducing MMS laws in hopes of cutting the costs associated with incarceration. Although incarceration rates are due to many factors, MMS contributes to prison populations; there are more inmates in states that have higher minimum sentences, more sentencing extensions

for drug offenses, and more mandatory terms (Woolredge 1996; Stemen, Rengifo, & Wilson 2005). Among the states that have relaxed laws are Michigan, New York, and California (states that have had some of the harshest mandatory sentencing laws), Delaware, Connecticut, Louisiana, Mississippi, North Dakota, New Mexico, Maine, New Jersey, Minnesota, Rhode Island, and Indiana (Mascharka, Austin 2010).

The trend over the past decade has been a move toward a correctional philosophy of rehabilitation rather than incapacitation (Austin 2010). Studies suggest that incarceration is not always the best strategy. Punitive sentencing either has not decreased the crime rate or has only decreased it up to a certain point (for review see Brennan & Spohn 2008); incarcerating drug offenders, particularly those at low-risk for re-offense, is more costly and is less likely to reduce recidivism than rehabilitation (Caulkins, Rydell, Schwabe, & Chiesa 1997; Aos, Miller, & Drake 2006); prison has not been shown to directly reduce recidivism (Gendreau & Goggin 2005); and certainty of punishment has been found to be a better deterrent of crime than severity (Wright). A direct relationship between sentencing and offender outcomes is difficult to establish, as sentencing is only one aspect of the criminal justice system. The effect of different types of sentencing (determinate and indeterminate) on recidivism varies among states, and depends on states' specific sentencing schemes and post-release programs (Zhang, Zhang & Vaughn 2009).

Particular attention has been given to MMS's differential punishments for crack and powder cocaine. Federal law as well as Iowa law had the highest disparity (1:100 ratio), with a small amount of crack triggering the same sentence as 100 times the amount of powder cocaine. As of 2003, 14 states had laws treating crack/cocaine amounts differently (Norman-Eady 2003). Congress reduced the federal crack/cocaine ratio to 1:18 in late 2010. No sound basis has been provided for creating the disparity, as both crack and powder cocaine are recognized as very addictive, and any differences in the effects are due to how the drugs are administered (Volkow 2009). Also, after controlling for other variables, crack is not associated with more violent behavior than powder cocaine (Vaughn 2010). In a survey of district court judges, 76% responded that MMS for crack was too high and only 44% reported that powder cocaine was too high (U.S. Sentencing 2010). This disparity has contributed to a disproportionate amount of minorities being convicted and incarcerated. Crack is perceived as a "minority" drug, and African Americans represent the majority of crack convictions (Mascharka, Acosta 2010). In Iowa, 83% of the prison admissions for crack in FY 2010 were African-American.

Mandatory Minimum Drug Sentencing in Iowa

The ultimate goal of sentencing is to both protect public safety and rehabilitate the offender. In meeting this goal, Iowa judges have some discretion in how they sentence offenders and can consider factors such as the nature of the offense and surrounding circumstances and the offenders' criminal record, character, age, and employment (McEniry 2009).

Under Iowa law, offenders convicted of certain drug trafficking offenses may be given a mandatory minimum sentence. A mandatory minimum sentence requires that offenders serve a certain portion of their sentence in confinement, without the possibility of parole until they have served the required portion of time. The drug offender mandatory minimum is required by Code of Iowa § 124.413 and applies to drug traffickers convicted of a crime under Iowa Code § 124.401 *a, b, c, e, or f* by requiring that they serve at least one-third of the maximum sentence of their offense class. Generally, the mandatory minimum sentence does not apply to drug possessors, D felon traffickers, or those trafficking marijuana, and is not issued to drug traffickers initially sentenced to community supervision, such as probation. Appendix A lists the Iowa Code offenses where the drug mandatory minimum sentence (§124.413) may apply. Appendix B provides the convicting codes for offenders in the cohort who were statutorily ineligible to receive the mandatory sentence.

Offenders who are subject to the mandatory minimum may or may not actually serve it. Iowa Code §901.10 allows for reductions in the mandatory sentence. The court can also reduce minimum sentences for offenders with the §124.413 mandatory minimum if mitigating circumstances exist. For those serving the §124.413 mandatory for trafficking methamphetamine or amphetamine (under Iowa Code §124.401 *1a or b*), the mandatory minimum is reduced by up to one-third if the defendant pleads guilty. If the defendant cooperates in prosecution of others, the defendant may receive a reduction of up to one-half of the remaining mandatory minimum.

Sentence enhancements are increased penalties in addition to the original sentence that are issued when certain circumstances surrounding the offense were present, such as when an offender possessed a firearm or an offensive weapon during the crime, when distribution occurred on school or public property, and for habitual offenders and distributing to minors. Depending on the type of enhancement, offenders may be sentenced to a maximum sentence of an additional five years in confinement, or the sentence may be two or three times their convicting offense class. Because offenders convicted with sentence enhancements can also receive the drug mandatory minimum, they were included in this study, and differences in their maximum sentences, which can affect their length of stay in prison, are noted where necessary.

Purpose of Study

In Iowa, the mandatory minimum sentence is a sentencing option for a number of crimes, including certain violent offenses, drug trafficking, and as penalty enhancements. The mandatory sentence for drug offenders is a sentence that particularly warrants attention. “Drug admissions have been one of the driving forces behind rising prison populations in Iowa for more than the past decade” and is projected to grow in the future (Stageberg, Roeder-Grubb, Adkins, 2010). In 2005 and 2006, when many of the offenders in this study’s cohort were entering prison, around 25% of prisoners were serving time for drug offenses (second only to violent offenses). In addition, the majority of drug traffickers are serving the drug mandatory minimum sentence (a finding of this study). Despite the prevalence of mandatory minimum sentences, previous research has questioned the effectiveness of incarceration, especially when drug offenders can be served by alternative methods such as community-based rehabilitation, and drug traffickers may not deal drugs if legal employment options were available. Also, research has suggested that mandatory minimums contribute to disproportionate incarceration of certain types of offenders (e.g., minorities and low-risk offenders).

The purpose of the present study is to:

- Identify whether or not the mandatory minimum ensures equity in sentencing by comparing the characteristics (age, race/ethnicity, and sex) of those serving and not serving it.
- Determine who is affected by mandatory sentences and the potential effects on public safety if mandatory sentences were eliminated for these offenders by:
 - Identifying how many offenders may be eligible for parole earlier if the mandatory minimum was not in place
 - Comparing the characteristics and recidivism rates of those who are and those who are not granted parole soon after expiration of the minimum parole date (MPD)
- Examine whether or not mandatory minimum sentencing is effective and fulfills the intended purpose of keeping the public safe by ensuring incarceration of offenders who may be dangerous by:
 - Comparing recidivism rates among those who did and did not serve the mandatory sentence;
 - Determining whether dangerous offenders who need incarceration, such as those at a high risk of reoffending, are serving the mandatory;
- Determine how much longer offenders who have the mandatory are serving in prison, along with the costs associated with the longer incarceration.

Terminology & Measurement

Recidivism

For the purposes of this study, *recidivism* is defined as an offender's first return to prison for any reason, including technical violations of parole or a new conviction. For offenders who were convicted on multiple new charges that led to a prison return, only the most serious new conviction was examined. Other measures have been used in criminal justice research to measure recidivism (e.g., new arrests, any new convictions, etc.), however, the return-to-prison measure is of particular interest in this study because prison is a more costly option than other types of placements that don't consume prison space and resources. It is noted, however, that using this criterion does not measure all new offenses, and may particularly underestimate less serious new convictions that do not carry prison time.

In this study, recidivism tracking began at the time of an offender's exit from a correctional facility, at entry into the community. The cohort was tracked for three years following release from work release or prison (FY2007-2010). New offenses usually occur within the first three years, and a three-year follow-up is recognized as ample time to give parolees (who are closely monitored and thus have higher returns-to-prison) and discharges equal time to reoffend.

Level of Risk

The LSI-R (Level of Service Inventory-Revised) is a measure that examines various life and criminality factors associated with offenders' level of risk, such as criminal history, education, employment, finances, family, living situation, recreation, social situation, drug problems, and attitudes. Lower LSI-R scores are presumably associated with lower risks of reoffending.

Only LSI-R scores that were submitted within 180 days were included in this study because they indicate the level of risk close to the time offenders were entering prison or returning to the community after serving a sentence. If offenders had multiple LSI-R scores within 180 days before or after, the earliest score was used. Level of risk was indicated using the Iowa Department of Corrections' categorization of LSI-R scores: low risk (score 0-13), low/moderate risk (score 14-23), moderate risk (24-33), moderate/high risk (34-40), high risk (41+). For the purpose of analysis, risk scores were collapsed into the following categories: low or low/moderate (0-23), moderate (24-33), and moderate/high or high (34+).

It should be noted that the LSI-R scores were based on the date the score was submitted, not the date the person was assessed, as assessment dates were not available in the dataset. However, due to the fact that most scores occurred close enough to the time of prison exit to be indicator of criminal risk at release [75% of the LSI-R scores were submitted *before* the prison release, and of the scores submitted *after* prison release, 25%

occurred within the first month], and concern about reducing already small sample sizes by restricting the timeframe, these scores were used in the report.

The data support that LSI-R risk assessments submitted within 180 days before or after offenders' prison entrance are relatively accurate at predicting criminal history. LSI-R risk assessment scores and Iowa criminal history data were examined. A random sample of 52 offenders (approximately 15% of the total) was drawn from the cohort of methamphetamine and cocaine offenders convicted of B and C felonies who were U.S. citizens. Using the computerized criminal history (CCH) database, each offender's Iowa criminal history was obtained from the Iowa Department of Public Safety. For the purposes of this study, criminal history was defined as the offenders' Iowa felony and misdemeanor convictions that were disposed prior to the date of their drug trafficking conviction. In addition, the type of offense was examined. Of the 52 offenders in this sample, only 36 had risk assessment scores near the time of their prison entrance. To increase the number of low and low/moderate risk offenders in the sample, five offenders in the original cohort were added to increase the reliability of findings for this group, for a total sample size of 41 offenders.

In the small sample examined here, offenders with low or low/moderate risk scores were less likely to have previous Iowa felony convictions and misdemeanor convictions. When examining the type of offense, low or low/moderate risk offenders were also less likely to have drug, public order, and property convictions than moderate/high or high risk offenders.

Percent of Offenders with Iowa Criminal History Convictions				
	Low/ LowModerate (0-23) (n=10 offenders)	Moderate (24-33) (n=14 offenders)	ModerateHigh/ High (34+) (n=17 offenders)	Sample Total (n=41 offenders)
<i>Conviction Type</i>				
Felony	30% (n=3)	14% (n=2)	41% (n=7)	29% (n=12)
Misdemeanor	40% (n=4)	79% (n=11)	71% (n=12)	66% (n=27)
<i>Offense Type</i>				
Violent	11% (n=1)	21% (n=3)	59% (n=10)	34% (n=14)
Drug	30% (n=3)	50% (n=7)	65% (n=11)	51% (n=21)
Public Order	20% (n=2)	64% (n=9)	35% (n=6)	41% (n=17)
Property	20% (n=2)	21% (n=3)	35% (n=6)	27% (n=11)

Please note the small sample sizes. Offenders may be counted more than once, as convictions were counted separately for each category.

In addition, low and low/moderate risk offenders had a lower average number of Iowa felony convictions, misdemeanor convictions, and violent, drug, public order, and property convictions than moderate/high and high risk offenders. Pearson correlations were calculated to determine the relationships between the LSI-R scores and the number of criminal history convictions by conviction type and offense type. All the correlations were relatively weak and insignificant except for a moderately strong, significant positive

relationship between the number of violent convictions and risk scores ($r=0.33$; $p=0.03$). This suggests that LSI-R is particularly an indicator of having a previous violent conviction.

Length of Stay (LOS)

Length of stay in prison is the length of time between prison start date and prison exit date. Because the dataset did not include the initial prison dates for work releases (only the dates for which they were in work release), only the 474 prisoners in the cohort were included in calculations of length of stay (LOS).

Time to Serve after the Minimum Parole Date (MPD)

Time left to serve after the minimum parole date (MPD) is the length of time between the date when the mandatory minimum sentence expired (when offenders became eligible for parole) and the prison exit date (when the offenders were actually granted release). The MPD must expire before work release begins, and therefore, time left to serve for work releases was calculated as the length of time between the MPD expiration and the work release start date. Those who exited less than six months after the MPD expired were compared with those who exited at the six month mark or after.

Time left to Serve on Sentence

Time left to serve on sentence is the length of time between the release from prison or work release and the tentative discharge date (when offenders' sentences expired).

Time to Recidivate

Time to Recidivate is the length of time in months between the prison or work release exit date and the offense date of the offender's first recidivist event that led to a new conviction and return to prison.

Time to Return to Prison

Time to Return to Prison is the length of time between the prison or work release exit date and the prison start date of the offender's first return to prison for a new conviction.

Drug Type

Drug type was indicated by the convicting code of the offender's most serious conviction. This information is incomplete because a number of Iowa Codes do not specify the drug type (i.e. enhancements and prohibited act codes). An effort was made to identify the drug involved during the offense using presentence and reception reports. Some individuals had been convicted for multiple drugs on multiple convictions and it was unclear in the reports what the drug was for the specific code listed in the dataset. For cocaine offenses, presentence reports and reception reports were used to identify whether offenses involved crack or powder cocaine, but this information was not always available.

Methodology & Cohort

Data were collected from Iowa Corrections Offender Network (ICON), using the Iowa Justice Data Warehouse. The study cohort included all offenders with drug trafficking as their *most serious* offense who were released from prison or work release during FY2007 (July 1, 2006 through June 30, 2007). Eleven drug traffickers who were serving a mandatory term other than §124.413 were excluded. This decision was made because having a mandatory penalty other than §124.413 could differentially affect the length of time that offenders serve. In addition, even though these eleven offenders were eligible to receive the §124.413 mandatory, having served some type of other mandatory sentence makes them fundamentally different from others who were eligible but absolutely did not receive any type of mandatory. The cohort included a total of 625 offenders, of whom 76% were prisoners and 24% were work releases.

Only offenders who were serving their initial stays as new commitments or probation violators at their start in prison were included in the cohort. The majority (60%) of prisoners and work releases were new commitments at prison admission. Offenders on work release were only included in the cohort if they served their initial stay and went directly from prison to work release. These decisions were made in order to ensure that recidivism (the return-to-prison rate) would be measured starting at the release date for prisoners and work releases, while ensuring LOS comparisons would be accurate, and to make correct calculations of time to exit after the minimum parole date (MPD) for work releases.

The cohort included B felons (representing 17% of the cohort), C felons (55%), and D felons (22%). Thirty-four (approximately 5%) of the offenders in the cohort were serving enhanced sentences: 23 served enhancements for prior drug offenses (§124.411), five for carrying firearms while trafficking (§124.401 1E), two for distributing on public property (§124.401A), two for manufacturing methamphetamine in the presence of minors (§124.401C), and two for prior class C or D felony convictions (§902.8). At their exit, the majority of the offenders were beginning parole and a small number were discharged at the end of their sentences.

Three comparison groups were of interest in this study:

- Drug mandatory served: 62% of drug traffickers (n=388) received the drug offender mandatory minimum sentence under Iowa Code §124.413.
- Ineligible: 22% (n=139) or all D felons were ineligible to receive a mandatory sentence.
- Waived: 16% (n=98) were eligible, but did not receive a mandatory sentence.

Characteristics & Demographics

Comparison of Offenders who Served Mandatory Sentences and Waivers

Gender

The majority (85%) of all drug traffickers released from prison and work release in FY2007 were males and 15% were females. Of those serving the mandatory minimum, 17% were females and 83% were males. The same percentages of females and males were observed among those waived.

Race and Ethnicity

Seventy-one percent of all drug traffickers were white, 17% were African American, and 11% were Hispanic. About 2% were Native American or Asian/Pacific Islander. Whites represented a higher percent of offenders serving the mandatory minimum than those who were waived (75% vs. 53%). African Americans and Hispanics represented a higher percent of waived offenders than those serving the mandatory sentence (for African Americans, 24% vs. 15%; for Hispanics, 20% vs. 9%).

Mandatory Minimum Status by Race & Ethnicity								
	Mandatory Served		Ineligible		Waived		Total	
African American	57	14.7%	26	18.7%	23	23.5%	106	17.0%
Hispanic	33	8.5%	13	9.4%	20	20.4%	66	10.6%
White	291	75.0%	98	70.5%	52	53.1%	441	70.6%
American Indian or Alaska Native	3	0.8%	2	1.4%	1	1.0%	6	1.0%
Asian/Pacific Islander	3	0.8%			2	2.0%	5	0.8%
Missing	1	0.3%					1	0.2%
Total	388	100%	139	100%	98	100%	625	100%

Age at Prison Entrance

The median age of drug traffickers was 30.7 years. Many drug traffickers were in their 20's when they entered prison. Twenty-six percent were in their early 20's (ages 21-25), while 17% were in their late 20's (ages 26-30). There was a smaller percentage of offenders entering prison in their 30's (ages 31-35 and ages 36-40, a combined percent of 29%), and even fewer entering in their 40's (only 16% were ages 41-50). The youngest and oldest age categories had the lowest percentages.

Offenders who served mandatory sentences were older than those waived (a median age of 33.2 years compared to 27.4 years).

Mandatory Minimum Status by Age at Prison Entrance								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	33.2		27.2		27.4		30.7	
17 and under					2	2.6%	2	0.4%
18-20	16	5.5%	11	10.5%	9	11.7%	36	7.6%
21-25	66	22.6%	34	32.4%	24	31.2%	124	26.2%
26-30	46	15.8%	23	21.9%	10	13.0%	79	16.7%
31-35	46	15.8%	12	11.4%	12	15.6%	70	14.8%
36-40	50	17.1%	12	11.4%	5	6.5%	67	14.1%
41-50	55	18.8%	10	9.5%	11	14.3%	76	16.0%
51-60	12	4.1%	2	1.9%	3	3.9%	17	3.6%
61-70	1	0.3%	1	1.0%	1	1.3%	3	0.6%
Total	292	100%	105	100%	77	100%	474	100%

Only prisoners were included in age at start analysis because initial prison start dates for work releases were not available in the dataset.

Age at Release

The cohort of drug traffickers aged in prison and work release. At release, the median age for drug traffickers was 32.5 (vs. 30.7 at entrance) and there were larger percentages of drug traffickers at older age categories. Twenty percent of drug traffickers were in their early 20's (ages 21-25) and 22% were in their late 20's (ages 26-30). Thirty percent were in their 30's (ages 31-35 and ages 36-40), and 19% were in their 40's (ages 41-50).

The median age at release for those who served the mandatory sentence was 34.7, compared to 29.3 for those who were waived.

Type of Drug

The majority (63%) of drug traffickers' most serious convictions involved methamphetamine. Cocaine and marijuana each comprised 15% of the convictions. Information about the type of drug involved was unavailable for 39 offenders. The form of cocaine was unknown for 38 cocaine offenders. Where information on the form of cocaine was present, there were more crack than powder cocaine convictions.

Methamphetamine was the most common drug of conviction among those serving the mandatory minimum, with three-fourths of those serving mandatory minimums convicted for methamphetamine offenses. Among those waived, methamphetamine offenders represented fifty-five percent. Cocaine was the second most common drug involved among both those serving the mandatory and those waived. Thirty-three percent

of those waived had a cocaine-related conviction, and cocaine represented 16% of the offenses for those serving the mandatory.

Mandatory Minimum Status by Drug Type								
	Mandatory Served		Ineligible		Waived		Total	
Cocaine Total	62	16.0%			32	32.7%	94	15.0%
<i>Unspecified</i>	21	33.9%			17	53.1%	38	40.4%
<i>Crack Cocaine</i>	38	61.3%			15	46.9%	53	56.4%
<i>Powder Cocaine</i>	3	4.8%					3	3.2%
Marijuana	1	0.3%	90	64.7%	4	4.1%	95	15.2%
Meth	289	74.5%	48	34.5%	54	55.1%	391	62.6%
Other	4	1.0%			2	2.0%	6	1.0%
Missing	32	8.3%	1	0.7%	6	6.1%	39	6.2%
Total	388	100%	139	100%	98	100%	625	100%

Note: "Meth" includes methamphetamines and meth ingredients (amphetamine, anhydrous ammonia, ephedrine, ethyl ether, lithium, pseudoephedrine, red phosphorous). "Other" includes prescription drugs and heroin. Information about the form of cocaine involved was not always reported in offense accounts (in the table, these are reported as "unspecified")

African American offenders committed the majority (68%) of offenses involving cocaine, whereas white offenders committed the majority of offenses involving marijuana (54%) and methamphetamine (88%). Among the convictions involving cocaine, African American offenders were most likely to be involved in crack. Ninety-two percent of crack cocaine convictions were held by African American offenders; however, none of the (small number of) powder cocaine convictions involved African Americans. It is noted that information about the specific form of cocaine was unavailable for 38 of the 94 offenders, so this information provides only a general comparison and is not an accurate representation of the prevalence of powder and crack cocaine among the races. Nevertheless, it is reasonable to infer that a number of African Americans are convicted for crack cocaine offenses.

Form of Cocaine by Race & Ethnicity		
Unspecified	38	
<i>African American</i>	15	39.5%
<i>Hispanic</i>	11	29.0%
<i>White (NH)</i>	12	31.6%
Powder Cocaine	3	
<i>Hispanic</i>	1	33.3%
<i>White (NH)</i>	1	33.3%
<i>Missing (race)</i>	1	33.3%
Crack Cocaine	53	
<i>African American</i>	49	92.5%
<i>White (NH)</i>	4	7.6%

In order to better understand the criminal backgrounds of methamphetamine and cocaine offenders, a random sample of 52 offenders (approximately 15% of the total) was drawn from the cohort of methamphetamine and cocaine offenders convicted of B and C felonies who were U.S. citizens (the same sample mentioned earlier in the methodology section). Using the computerized criminal history (CCH) database, each offender's Iowa criminal history was obtained from the Iowa Department of Public Safety.

In the small sample examined, methamphetamine offenders were more likely than cocaine offenders to have previous Iowa felony and misdemeanor convictions. When examining offense types, methamphetamine offenders were more likely to have drug, public order, and property convictions. However, cocaine offenders were more likely to have previous violent convictions.

Percent of Offenders with Iowa Criminal History Convictions			
	Cocaine (n=16 offenders)	Meth (n=36 offenders)	Sample Total (n=52 offenders)
<i>Conviction Type</i>			
Felony	25% (n=4)	31% (n=11)	29% (n=15)
Misdemeanor	63% (n=10)	69% (n=25)	67% (n=35)
<i>Offense Type</i>			
Violent	50% (n=8)	31% (n=11)	37% (n=19)
Drug	44% (n=7)	53% (n=19)	50% (n=26)
Public Order	38% (n=6)	50% (n=18)	46% (n=24)
Property	19% (n=3)	36% (n=13)	31% (n=16)

Please note the small sample sizes. Offenders may be counted more than once, as convictions were counted separately for each category.

Although methamphetamine offenders in the sample were more likely to have been previously convicted of felonies and misdemeanors than cocaine offenders, the latter group, on average, tended to have a higher *number* of prior convictions. This was shown primarily in the number of prior misdemeanor convictions and public order convictions.

AVERAGE Number of Iowa Criminal History Convictions			
	Cocaine (n=16 offenders)	Meth (n=36 offenders)	Sample Total (n=52 offenders)
<i>Conviction Type</i>			
Felony	0.9	0.8	0.8
Misdemeanor	4.0	3.0	3.3
<i>Offense Type</i>			
Violent	0.6	0.4	0.5
Drug	1.6	1.0	1.2
Public Order	2.3	1.4	1.7
Property	0.4	0.9	0.8

Please note the small sample sizes.

Risk Level at Prison Entrance

At the start of prison, the levels of risk for drug traffickers were moderate (the median LSI-R score was 32). A considerable percentage of drug traffickers were at moderate (30%) or moderate/high or high risk of offending (28%). When comparing offenders who served the mandatory sentence to those who were waived, both groups had moderate risk levels. However, the median LSI-R score for those serving the mandatory sentence was higher (32 compared to 28.5). It should be noted that the levels of risk for 33% of the drug traffickers were not assessed within 180 days of their entrance to prison. Those who were waived were slightly more likely to have risk assessments at entrance than those who were serving mandatory sentences.

Mandatory Minimum Status by LSI-R at Prison Entrance								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	32 (moderate)		33.5 (moderate)		28.5 (moderate)		32 (moderate)	
Low/ LowModerate (0-23)	26	8.9%	9	8.6%	6	7.8%	41	8.7%
Moderate (24-33)	83	28.4%	31	29.5%	30	39.0%	144	30.4%
ModerateHigh/ High (34+)	78	26.7%	40	38.1%	16	20.8%	134	28.3%
Missing	105	36.0%	25	23.8%	25	32.5%	155	32.7%
Total	292	100%	105	100%	77	100%	474	100%

Only prisoners were included in LSI-R at start of prison analysis because initial prison start dates for work releases were not available in the dataset.

Risk Level at Release

At release, the levels of risk for drug traffickers were moderate (the median LSI-R score was 27). Thirty-five percent of all drug traffickers were assessed as having a moderate risk of reoffending upon release into the community and 24% a low or low/moderate risk. When comparing offenders who served the mandatory sentence to those who were waived, both groups had moderate risk levels. However, the median LSI-R score for those who served the mandatory sentence was slightly lower (25 compared to 27.5). It should be noted that the levels of risk for 28% of the drug traffickers were not assessed within 180 days of their entrance into the community. Those who served the mandatory minimum were more likely to have risk assessments at release than those who were waived (only 26% of those who served the mandatory did not have risk assessment, whereas 35% of those waived were not assessed).

Mandatory Minimum Status by LSI-R at Release								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	25 (moderate)		31(moderate)		27.5 (moderate)		27 (moderate)	
Low/ LowModerate (0-23)	115	29.6%	18	12.9%	18	18.4%	151	24.2%
Moderate (24-33)	136	35.05%	47	33.8%	33	33.67%	216	34.56%
ModerateHigh/ High (34+)	38	9.8%	30	21.6%	13	13.3%	81	13.0%
Missing	99	25.5%	44	31.7%	34	34.7%	177	28.3%
Total	388	100%	139	100%	98	100%	625	100%

Offense Class

The majority (55%) of drug traffickers were C felons. Two-thirds (66%) of drug traffickers serving the mandatory sentence were C felons, 27% were B felons, and 7% received enhanced penalties. D felons were ineligible to receive the mandatory minimum sentence. Of the offenders who were waived, 91% were C felons. A higher percentage of B felons served the mandatory minimum sentence (27% vs. 3%), whereas a higher percentage of C felons were waived (91% vs. 66%).

Mandatory Minimum Status by Offense Class								
	Mandatory Served		Ineligible		Waived		Total	
B Felony (25 yr) *	104	26.8%			3	3.1%	107	17.1%
C Felony (10 yr)	256	66.0%			89	90.8%	345	55.2%
D Felony (5 yr)			139	100%			139	22.2%
Felony - Enhancement	28	7.2%			6	6.1%	34	5.4%
Total	388	100%	139	100%	98	100%	625	100%

* One B felon was serving a 50 year maximum sentence.

Length of Incarceration

In general, drug trafficking prisoners who were sentenced to the mandatory minimum spent a longer amount of time in prison than those without it. The average length of stay (LOS) for drug trafficking prisoners was 9.5 months longer for those who served the mandatory sentence compared to those who were waived. When considering differences in maximum sentences, statistical significance cannot be determined for most of the offense class categories due to small sample sizes in the comparison groups (e.g., most B felons served the mandatory minimum and only two did not serve it). However, statistical comparisons can be made for C felons, because there were a sufficient number who were serving and who were waived. C felons can serve a maximum of 10 years in prison, with a minimum of about 40 months (3.3 years) if they receive the mandatory sentence. After considering earned time calculations, which are applied at the time of admission, they can spend a mandatory minimum of about 18 months (1.5 years) in prison. The data show that C felons with mandatory

minimums serve about 19 months in prison on average. This is approximately 5.5 months longer than those without the mandatory, a statistically significant difference.

Average LOS (months) for Prisoners by Offense Class and Maximum Sentence						
	Mandatory Served		Ineligible		Waived	
	Number	Average	Number	Average	Number	Average
B Felony	79	33.4			2	24.6
Max25yr	78	33.6			2	24.6
Max50yr	1	18.9				
C Felony Max10yr	193	19.1**			69	13.4**
D Felony Max5yr			105	10.1		
Felony - Enhancement	20	34.1			6	23.2
Max10yr	3	17.5			3	19.1
Max15yr	4	32.5			2	29.2
Max20yr	7	37.3			1	23.3
Max25yr	2	37.2				
Max40yr	3	45.1				
Max60yr	1	29.0				
Total (n=474)	292	24.0	105	10.1	77	14.5

** Statistically significant difference in averages p<0.01

Note: earned time is calculated into time served at the time of sentencing and this is reflected in the length of stays.

Earned time reduces the maximum sentence by approximately a multiplier of 0.4545

Only prisoners were included in length of stay analysis because initial prison start dates for work releases were not available in the dataset.

Time Left to Serve on Sentence

Offenders with felony enhancements who serve the mandatory sentence are on parole for a longer time after release from prison compared to those waived. The reverse is true for B and C felons, with those serving the mandatory term being on parole for a shorter time than those waived.

Average Time Left to Serve on Sentence (months) by Offense Class & Maximum Sentence						
	Mandatory Served		Ineligible		Waived	
	Number	Average	Number	Average	Number	Average
Total =624	388	60.4	138	15.4	98	47.6
B Felony	104	105.5			3	113.5
Max25yr	103	106.1			3	113.5
Max50yr	1	36.4				
C Felony Max10yr	256	39.2			89	45.1
D Felony Max5yr			138	15.4		
Felony - Enhancement	28	86.7			6	52.1
Max10yr	5	26.8			3	43.0
Max15yr	5	53.3			2	50.5
Max17yr	1	4.7				
Max20yr	7	77.6			1	82.6
Max25yr	3	103.2				
Max35yr	1	141.4				
Max40yr	5	159.7				
Max60yr	1	229.8				

One offender is missing due to no TDD information. Also, note that the 20 drug traffickers who were discharged at their end date are included in the data

District

More than half of the offenders who were convicted in Districts 1, 2, 4, 5, and 8 served mandatory sentences (72%, 61%, 74%, 79%, and 57% respectively). Drug traffickers convicted in Districts 3 and 7 were least likely to serve mandatory sentences and were most likely to be waived. In District 3, only 24% of offenders received a mandatory minimum sentence, while 55% were waived. In District 7, 35% received a mandatory sentence, while 39% were waived. District 6 had the highest percentage of offenders who did not serve the mandatory sentence because they were ineligible to receive it (41% served mandatory sentences and 44% were ineligible).

District by Mandatory Minimum Status																		
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total	
Mandatory Served	57	72.2%	35	61.4%	18	24.0%	28	73.7%	184	79.3%	11	40.7%	18	34.6%	37	56.9%	388	62.1%
Ineligible	11	13.9%	19	33.3%	16	21.3%	9	23.7%	36	15.5%	12	44.4%	14	26.9%	22	33.9%	139	22.2%
Waived	11	13.9%	3	5.3%	41	54.7%	1	2.6%	12	5.2%	4	14.8%	20	38.5%	6	9.2%	98	15.7%
Total	79	100%	57	100%	75	100%	38	100%	232	100%	27	100%	52	100%	65	100%	625	100%

Among the districts, District 6 had the greatest percentage of offenders (82%) who were assessed as having moderate/high or high risk of reoffending near the time when they entered prison. Districts 2, 3, 4, and 8 had the highest percentages of lower risk offenders, each having about 13% who were assessed as having low and low/moderate risk of reoffending. District 7 showed the greatest likelihood of offenders not being assessed at prison entrance (63%), followed by District 1 (43%). Please note that comparison group sizes are small due to a large number of prisoners who were not assessed within 180 days before or after their entrance to prison.

District by LSI-R at Prison Entrance																		
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total	
Low/LowModerate (0-23)	4	7.8%	5	12.8%	8	13.1%	4	13.3%	13	7.0%	0	0.0%	1	2.6%	6	11.8%	41	8.6%
Moderate (24-33)	11	21.6%	13	33.3%	26	42.6%	12	40.0%	57	30.5%	1	5.9%	7	18.4%	17	33.3%	144	30.4%
ModerateHigh/High (34+)	14	27.5%	13	33.3%	17	27.9%	3	10.0%	53	28.3%	14	82.4%	6	15.8%	14	27.5%	134	28.3%
Missing (LSI-R score)	22	43.1%	8	20.5%	10	16.4%	11	36.7%	64	34.2%	2	11.8%	24	63.2%	14	27.5%	155	32.7%
Total	51	100%	39	100%	61	100%	30	100%	187	100%	17	100%	38	100%	51	100%	474	100%

* Only prisoners were included in the LSI-R at entrance analysis because initial prison start dates when work releases would have been assessed were not available in the dataset.

Among the districts, African-Americans represented the highest percentage of drug traffickers in Districts 7 (35%), 6 (33%), and 1 (28%). Hispanics represented the highest percentage of the population in District 3 (24%), District 7 (23%), and District 4 (18%).

District by LSI-R at Prison Entrance																		
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total	
African American	22	27.9%	1	1.8%	13	17.3%	0	0.0%	37	16.0%	9	33.3%	18	34.6%	6	9.2%	106	17.0%
Hispanic	2	2.5%	5	8.8%	18	24.0%	7	18.4%	19	8.2%	0	0.0%	12	23.1%	3	4.6%	66	10.6%
White	54	68.4%	49	86.0%	42	56.0%	31	81.6%	170	73.3%	17	63.0%	22	42.3%	56	86.2%	441	70.6%
American Indian/Alaska Native	0		2		1		0		3		0		0		0		6	
Asian/Pacific Islander	0		0		1		0		3		1		0		0		5	
Missing	1																1	
Total	79		57		75		38		232		27		52		65		625	

Examination of Offenders who Exited Prison within Six Months of Minimum Parole Date (MPD)

The length of time it took for prisoners to exit incarceration after serving the mandatory minimum sentence is an indicator of who is affected by mandatory sentencing. Offenders who exited within six months after the expiration of the minimum parole date may have been granted parole earlier if the mandatory sentences were not in place. The results show that 70% of drug traffickers in the cohort (n=268) were granted parole within six months after the MPD expired. The mandatory minimum sentence is likely lengthening the prison stays of some of these drug traffickers. It is also possible that additional offenders might have been released from incarceration earlier if not for the requirement of serving the mandatory minimum. Please note that, although 388 cohort members served the mandatory sentence, the MPD was unknown for five offenders so total reported in this section is 383 offenders.

Race & Ethnicity

Three-quarters of the offenders who served mandatory sentences were white, 15% were African American, 8% were Hispanic, and a small percent were Asian or Native American. African Americans comprised a much greater percentage of those who exited later than six months after MPD, and Hispanics and whites comprised a slightly greater percentage of those who exited earlier. Among those who exited later, 21% were African American, 6% were Hispanic, and 72% were white (vs. 12%, 9%, and 77%, respectively, in the comparison group).

Exit within six months after MPD by Race/Ethnicity						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
African American	32	11.9%	24	20.9%	56	14.6%
Hispanic	24	9.0%	7	6.1%	31	8.1%
White	206	76.9%	83	72.2%	289	75.5%
American Indian or Alaska Native	2	0.7%	1	0.9%	3	0.8%
Asian or Pacific Islander	3	1.1%			3	0.8%
Missing (race)	1	0.4%			1	0.3%
Total	268	100%	115	100%	383	100%

Age at Release

At release, the median age of offenders who served the mandatory sentence was 34.7. When the comparing the ages of those who exited within six months and those who exited later, the ages did not differ (the median age for those exiting earlier was 34.8 vs. 34.7 for those exiting later).

Risk Level at Release

Upon release into the community, drug traffickers who served the mandatory sentence were at moderate risk of reoffending (the median LSI-R score was 25). Thirty-five percent had a moderate risk level. In comparing offenders who exited within six months and those who exited later, both groups had moderate risk levels. However, the median LSI-R score for those who exited within six months was lower (24 compared to 27). Also, a larger percentage of those who exited within six months were low or low/moderate risk (33% vs. 23%), while a larger percentage of those who exited after six months were moderate (43% vs. 32%). It should be noted that the level of risk for 25% of the drug traffickers serving the mandatory minimum were not assessed within 180 days of their release from prison and entrance into the community.

Exit within six months after MPD by LSI-R at Release						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
MEDIAN	24 (moderate)		27 (moderate)		25 (moderate)	
Low/ LowModerate (0-23)	88	32.8%	26	22.6%	114	29.8%
Moderate (24-33)	85	31.7%	49	42.6%	134	35.0%
ModerateHigh/ High (34+)	25	9.3%	13	11.3%	38	9.9%
Missing	70	26.1%	27	23.5%	97	25.3%
Total	268	100%	115	100%	383	100%

Offense Class

The majority (66%) of drug traffickers serving the mandatory minimum sentence were C felons, 27% were B felons, and 7% were convicted on enhanced penalties and serving the mandatory. These percentages were approximately the same among those exiting within six months and those exiting later.

Exit within six months after MPD by Offense Class						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
B Felony	71	26.5%	31	27.0%	102	26.6%
C Felony	177	66.0%	76	66.1%	253	66.1%
Felony - Enhancement	20	7.5%	8	7.0%	28	7.3%
Total	268	100%	115	100%	383	100%

Comparison of B Felons and C Felons

Race and Ethnicity

Although the majority of both B felons and C felons were white, C felons were more likely to be minorities. A higher percentage of B felons were white (78% vs. 68%) and a higher percentage of C felons were African American (19% vs. 8%) and Hispanic (11% vs. 9%). Among those with mandatory sentences, C felons also had a higher percentage of African Americans (17% vs. 8%).

Offense Class by Race/Ethnicity								
	Mandatory Served				Total			
	B Felons		C Felons		B Felons		C Felons	
African American	8	7.7%	44	17.2%	9	8.4%	65	18.8%
Hispanic	9	8.7%	20	7.8%	10	9.4%	39	11.3%
White	82	78.9%	190	74.2%	83	77.6%	236	68.4%
American Indian or Alaska Native	2	1.9%	1	0.4%	2	1.9%	2	0.6%
Asian or Pacific Islander	3	2.9%			3	2.8%	2	0.6%
Missing (race)			1	0.4%			1	0.3%
Total	104	100%	256	100%	107	100%	345	100%

Age at Prison Entrance

At prison entrance, B felons were about 1.5 years older than C felons (median ages of 33.1 and 31.5, respectively). A slightly larger percentage of B felons were in their 30s (ages 31-35 and ages 36-40), 40s (ages 41-50), and 50s (ages 51-60), whereas a slightly larger percentage of C felons were 20 and under (ages 17 under and ages 18-20) or in their 20s (ages 21-25 and ages 26-30).

Offense Class by Age at Prison Entrance				
	B Felons		C Felons	
MEDIAN	33.1		31.5	
17 under			2	0.8%
18-20	4	4.9%	21	8.0%
21-25	17	21.0%	68	26.0%
26-30	13	16.1%	37	14.1%
31-35	12	14.8%	41	15.7%
36-40	15	18.5%	37	14.1%
41-50	16	19.8%	44	16.8%
51-60	4	4.9%	10	3.8%
61-70			2	0.8%
Total	81	100%	262	100%

Only prisoners were included in age at entrance analysis because initial prison start dates for work releases were not available in the dataset.

Age at Release

By the time of release from incarceration, there was a larger age gap between B felons and C felons (36.8 vs. 32.4). B felons were 4.5 years older (based on median ages), likely a result of spending a longer time in incarceration.

Risk Level at Prison Entrance

B felons and C felons were at moderate risk when they entered prison. The LSI-R scores of the comparison groups only differed slightly, as the median LSI-R score for B felons was 31, and C felons, 32. In terms of percentages, B felons were more likely to have moderate levels of risk (40% vs. 28%).

Offense Class by LSI-R at Prison Entrance				
	B Felons		C Felons	
MEDIAN	31 (moderate)		32 (moderate)	
Low/ LowModerate (0-23)	5	6.2%	24	9.2%
Moderate (24-33)	32	39.5%	74	28.2%
ModerateHigh/ High (34+)	20	24.7%	67	25.6%
Missing	24	29.6%	97	37.0%
Total	81	100%	262	100%

Only prisoners were included in LSI-R at entrance analysis because initial prison start dates for work releases were not available in the dataset.

Risk Level at Prison Release

Upon release into the community, B felons were at lower risk of offending than C felons. The median LSI-R score for B felons was 22 (low/moderate risk), compared to 27 (moderate risk) for C felons. A larger percentage of B felons were assessed as low or low/moderate risk (46% vs. 22%); whereas a larger percentage of C felons were moderate risk (37% vs. 24%) and moderate/high or high risk (13% vs. 6%).

Offense Class by LSI-R at Release				
	B Felons		C Felons	
MEDIAN	22 (low/moderate)		27 (moderate)	
Low/ LowModerate (0-23)	49	45.8%	76	22.0%
Moderate (24-33)	26	24.3%	127	36.8%
ModerateHigh/ High (34+)	6	5.6%	44	12.8%
Missing	26	24.3%	98	28.4%
Total	107	100%	345	100%

Outcomes

Return-to-Prison (Recidivism)

Research Note on Foreign Offenders

Foreign-born offenders, almost all of whom were Hispanic, were omitted from the dataset when examining recidivism. The rationale for excluding this group is that the recidivism criterion used here is return to prison in Iowa, and due to deportation and/or incarceration in federal prison, these offenders may have had less of an opportunity to return to Iowa prisons than other offenders, as they were likely not U.S. citizens. Without foreign-born offenders, the total number in the cohort was 577 offenders.

There were 48 foreign-born offenders in the cohort. Fifty-two percent of this group served mandatory sentences and 35% were waived. Sixty percent of the foreign-born were methamphetamine offenders and 16% were cocaine offenders. This group was represented most heavily in District 5 (38%). Foreign-born offenders were younger at prison entrance (median age of 25, vs. 32 for U.S. citizens) and had lower LSI-R risk assessment scores (at entrance, a median LSI-R score of 26, vs. 33 for U.S. citizens; at release, 25 for the foreign-born group, vs. 27 for U.S. citizens).

The data indicate that some of the foreign offenders went to the INS (Immigration Naturalization Service) immediately at their release from prison and a few did not, however, all foreign born offenders were excluded from the data when examining recidivism rates since the possibility exists that they were deported at some later point after incarceration (i.e. after serving parole time). Four of the 48 foreign offenders who returned to prison within the study timeframe were also excluded for the sake of consistency. **The following data provided in the outcomes portion of this report exclude foreign born offenders.**

Offenders who Served Mandatory Sentences vs. Waivers

Sixty-nine percent of drug traffickers (n=398) did not return to prison within three years of release, while 31% of drug traffickers (n=179) did return to prison. Of those who returned, about half (49%) returned on new convictions and half (51%) returned on technical violations.

Offenders who served the mandatory sentence were more likely to return to prison than those waived (33% vs. 28%). Offenders who served the mandatory minimum sentence were also more likely to return on new

convictions (54% had new convictions vs. 35%), whereas offenders who did not serve the mandatory were more likely to return on technical violations (65% had technical violations vs. 46%).

Mandatory Minimum Status by Return-to-Prison and Type of Violation								
	Mandatory Served		Ineligible		Waived		Total	
No Return to Prison	243	66.9%	97	72.9%	58	71.6%	398	69.0%
Return to Prison	120	33.1%	36	27.1%	23	28.4%	179	31.0%
<i>New Conviction</i>	65	54.2%	15	41.7%	8	34.8%	88	49.2%
<i>Technical</i>	55	45.8%	21	58.3%	15	65.2%	91	50.8%
Total	363	100%	133	100%	81	100%	577	100%

Fifty-nine percent of drug traffickers who returned to prison were convicted on new felony offenses, 33% on misdemeanors, and 8% on felony enhancements. A larger percentage of those who were waived had felony convictions (75% vs. 55%), whereas a larger percentage of those who served the mandatory sentence had misdemeanors (35% vs. 13%). Nevertheless, felony reconvictions were most prevalent among both groups. Please note that a small sample size in the group of waivers may misrepresent the percentage comparisons.

Mandatory Minimum Status by Seriousness of Return-to-Prison New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Felony	36	55.4%	10	66.7%	6	75.0%	52	59.1%
Felony - Enhanced	6	9.2%			1	12.5%	7	8.0%
Misdemeanor	23	35.4%	5	33.3%	1	12.5%	29	33.0%
Total	65	100%	15	100%	8	100%	88	100%

Sixty-one percent of drug traffickers who returned to prison returned on new drug convictions. Only 14% returned on public order offenses, 14% on violent offenses, and 11% on property offenses. Offenders serving the mandatory minimum sentence were more likely to be reconvicted on drug offenses compared to those waived (66% vs. 50%), while waived offenders had a higher percentage of reconvictions on public order offenses (25% vs. 14%). Sample sizes in the categories were small.

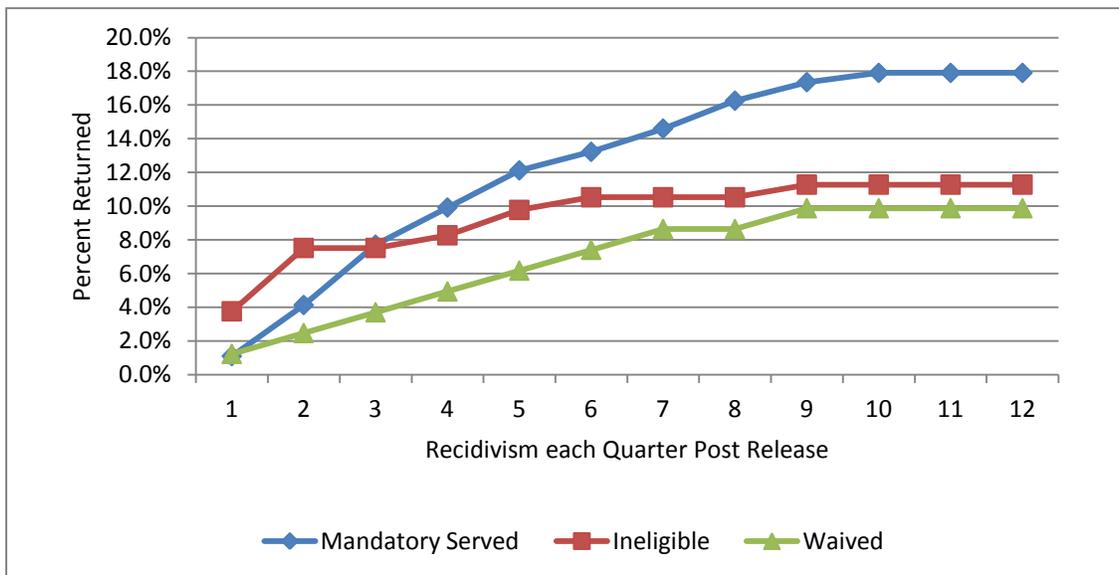
Mandatory Minimum Status by Offense Type of Return-to-Prison New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Drug	43	66.2%	7	46.7%	4	50.0%	54	61.4%
Property	6	9.2%	3	20.0%	1	12.5%	10	11.4%
Public Order	9	13.8%	1	6.7%	2	25.0%	12	13.6%
Violent	7	10.8%	4	26.7%	1	12.5%	12	13.6%
Total	65	100%	15	100%	8	100%	88	100%

On average, drug traffickers who recidivated committed an offense that led to a new conviction that returned them to prison 11.6 months after their initial release from incarceration. The time to recidivate did not differ among waived offenders and those who received mandatory sentences, with recidivism occurring in approximately 12.5 months. The median time to the recidivist event that returned them to prison was 12.5 months for those waived and 11.3 for those who served the mandatory sentence, a difference of 1.2 months.

Mandatory Minimum Status by Average and Median Time to Recidivate (Months) with New Conviction that Led to Prison				
	Mandatory Served	Ineligible	Waived	Total
AVERAGE	12.4	7.4	12.7	11.6
MEDIAN	11.3	3.9	12.5	10.1

The cumulative return-to-prison rate was highest for those serving mandatory sentences, followed by those ineligible for mandatory sentences. It was the lowest for waived offenders. Those who served the mandatory sentence had a lower recidivism rate compared to those who were ineligible to receive the mandatory sentence in the first three quarters (9 months). By the end of the tracking period, recidivism was 18% for those who served the mandatory sentence, 10% for waivers, and 11% for those who were ineligible. Nearly all of the offenders who returned to prison on new convictions, regardless of whether or not they served the mandatory sentence, committed a new offense within two years. The graph below shows the cumulative recidivism rates for the length of time to commit a new conviction that resulted in a return to prison each quarter after release.

Figure 1: Rates of Recidivism



* Recidivism is the offense that led to a new conviction that returned offenders to prison.

Of the drug traffickers who returned to prison on new convictions, forty-seven percent were back in prison in one to two years after release. Twenty-three percent returned in six months to one year, 23% returned in two to three years, and 8% returned in less than six months. A higher percentage of offenders who were waived returned to prison on new convictions in one to two years (63% vs. 48%), and those serving the mandatory were more likely to return in two to three years (25% vs. 13%). Please note that sample sizes were small.

Mandatory Minimum Status by Time to Return to Prison on New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Less than 6 months	5	7.7%	2	13.3%			7	8.0%
6 months - 1 year	13	20.0%	5	33.3%	2	25.0%	20	22.7%
1 year - 2 years	31	47.7%	5	33.3%	5	62.5%	41	46.6%
2 years - 3 years	16	24.6%	3	20.0%	1	12.5%	20	22.7%
Total (new convictions)	65	100%	15	100%	8	100%	88	100%

Offenders who Exited Prison within Six Months of Minimum Parole Date (MPD)

Sixty-seven percent of drug traffickers (n=238) who received the mandatory minimum sentence did not return to prison within 3 years of their release, while the remaining 34% did return to prison (n=120).

Offenders who were released more than six months after their MPD were more likely to return to prison than those who exited earlier than six months (50% vs. 27%). Among those who returned prison, slightly more returned on new convictions than technical violations (54% vs. 46%). The type of return (new conviction or technical) did not differ among those who exited earlier and those who exited later.

Exit within six months by Return-to-Prison & Type of Violation						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
No Return to Prison	183	73.5%	55	50.5%	238	66.5%
Return to Prison	66	26.5%	54	49.5%	120	33.5%
<i>New Conviction</i>	36	54.5%	29	53.7%	65	54.2%
<i>Technical</i>	30	45.5%	25	46.3%	55	45.8%
Total	249	100%	109	100%	358	100%

Fifty-five percent of the offenders with mandatory minimum sentences who returned to prison were convicted of felony offenses, 35% on misdemeanors, and 9% on felony enhancements. A larger percentage of those who exited later than six months had felony enhancements (14% vs. 6%), whereas a larger percentage of those who exited within six months were reconvicted on felonies (58% vs. 52%).

Exit within six months by Seriousness of Return-to-Prison New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Felony	21	58.3%	15	51.7%	36	55.4%
Felony - Enhanced	2	5.6%	4	13.8%	6	9.2%
Misdemeanor	13	36.1%	10	34.5%	23	35.4%
Total (new convictions)	36	100%	29	100%	65	100%

Two-thirds (66%) of the offenders with mandatory minimum sentences who returned to prison returned on new drug convictions. Only 14% returned on public order offenses, 11% on violent offenses, and 9% on property offenses. Drug convictions comprised about two-thirds of the reconvictions for both those who exited within six months and those who exited later. Those who exited earlier had a higher percentage of violent convictions than those who exited later (14% vs. 7%), while those who exited later had a higher percentage of property reconvictions (14% vs. 6%); however, the totals in each category were small.

Exit within six months by Offense Type of New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Drug	24	66.7%	19	65.5%	43	66.2%
Property	2	5.6%	4	13.8%	6	9.2%
Public Order	5	13.9%	4	13.8%	9	13.8%
Violent	5	13.9%	2	6.9%	7	10.8%
Total (new convictions)	36	100%	29	100%	65	100%

On average, those who served mandatory sentences committed an offense that led to a new conviction that returned them to prison about 12 months after they were released. Those who were paroled later recidivated an average of 1.4 months more quickly than those who were paroled earlier (in 11.6 months after release compared to 13.0 months). The median time to recidivate was 8.7 months for those who exited later and 12.4 months for those who exited earlier, a difference of 3.7 months.

Exit within six months by Average and Median Time to Recidivate (Months) with New Conviction that Led to Prison			
	Released within 6 months of MPD	Released later than 6 months of MPD	Total
AVERAGE	13.0	11.6	12.4
MEDIAN	12.4	8.7	11.3

Nearly half of the offenders with mandatory minimum sentences (48%) returned to prison with new convictions in one to two years after release. A quarter of them (25%) returned in two to three years, 20% returned in six months to one year, and only 8% returned in less than six months. Among those who exited within six months after MPD, the majority (64%) returned on new convictions in one to two years, and they were more likely to return in one to two years compared to those who exited later than six months (64% vs. 28%). Those who exited later than six months returned to prison sooner and were more likely to return in less than one year (41% vs. 17%).

Exit within six months by Time to Return to Prison on New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Less than 6 months	2	5.6%	3	10.3%	5	7.7%
6 months – 1 year	4	11.1%	9	31.0%	13	20.0%
1 year - 2 years	23	63.9%	8	27.6%	31	47.7%
2 years - 3 years	7	19.4%	9	31.1%	16	24.6%
Total (new convictions)	36	100%	29	100%	65	100%

B Felons vs. C Felons

Overall, B felons had a lower three year return-to-prison rate than C felons (25% vs. 35%). Among those who served mandatory sentences, B felons also had a lower return- to- prison rate than C felons (24% vs. 37%). Interestingly, C felons who served the mandatory sentence were more likely to return to prison within three years of release than those waived (37% vs. 27%). The small number of B felons who were waived may misrepresent the return- to- prison rate for that comparison group.

Any Return to Prison Rate by Offense Class									
	Mandatory Served			Waived			Total		
	Total	N Return	% Return	Total	N Return	% Return	Total	N Return	% Return
B Felons	92	22	23.9%	2	1	50.0% *	94	23	24.5%
C Felons	245	90	36.7%	73	20	27.4%	318	110	34.6%

* Small comparison group size may misrepresent the return-to-prison rate

Overall, B felons were less likely to return to prison on new convictions than C felons (12% vs. 18%). Among those serving mandatory sentences, B felons also had a lower return-to-prison rate for new convictions than C felons (12% vs. 20%). Interestingly, C felons who served the mandatory sentence were more likely to return to prison within three years of release than those waived (20% vs. 10%). The small number of B felons not serving the mandatory sentence may misrepresent the return- to- prison rate for that comparison group.

New Conviction Return to Prison Rate by Offense Class									
	Mandatory Served			Waived			Total		
	Total	N Returned	% Returned	Total	N Returned	% Returned	Total	N Returned	% Returned
B Felons	92	11	12.0%	2	0	0.0% *	94	11	11.7%
C Felons	245	49	20.0%	73	7	9.6%	318	56	17.6%

* Small comparison group size may misrepresent the return-to-prison rate

Among those serving mandatory sentences, B felons were more likely to return to prison on new felony convictions, while C felons were more likely to return on misdemeanors. Among B felons with new convictions, 64% had felonies (vs. 55% of C felons). Among C felons, 39% returned to prison on misdemeanors (vs. 27% of B felons). C felons who were waived were more likely to return on felonies (86% vs. 55%) and felony enhancements (14% vs. 6%), whereas those serving the mandatory sentence were more likely to return on

misdemeanors (39% vs. 0%). Please note that the waived group was small, which may misrepresent the percentage comparisons.

Mandatory Minimum Status among Offense Classes by Seriousness of New Conviction						
	Mandatory Served		Waived		Total	
B Felons	11		0		11	
Felony	7	63.6%			7	63.6%
Felony - Enhanced	1	9.0%			1	9.0%
Misdemeanor	3	27.3%			3	27.3%
C Felons	49		7		56	
Felony	27	55.1%	6	85.7%	33	58.9%
Felony - Enhanced	3	6.1%	1	14.3%	4	7.1%
Misdemeanor	19	38.8%			19	33.9%

Among those serving mandatory sentences, B felons and C felons did not differ in their likelihood of returning to prison on new drug convictions (about 65%). However, B felons were more likely to return on new property offenses (27% vs. 6%) and C felons were more likely to return on public order offenses (16% vs. 9%) and violent offenses (12% vs. 0%). When comparing C felons serving the mandatory sentence vs. those waived, a higher percentage of waived offenders had new property convictions (14% vs. 6%), while a higher percentage of those who served mandatory sentences had drug offenses (65% vs. 57%).

Mandatory Minimum Status among Offense Classes by Type of New Conviction						
	Mandatory Served		Waived		Total	
B Felons	11		0		11	
Drug	7	63.6%			7	63.6%
Property	3	27.3%			3	27.3%
Public Order	1	9.1%			1	9.1%
Violent						
C Felons	49		7		56	
Drug	32	65.3%	4	57.1%	36	64.3%
Property	3	6.1%	1	14.3%	4	7.1%
Public Order	8	16.3%	1	14.3%	9	16.1%
Violent	6	12.2%	1	14.3%	7	12.5%

B felons and C felons who served the mandatory sentence did not differ in the average length of time it took them to commit an offense that led to a new conviction that returned them to prison, about 12.5 months after release from incarceration. Also, the averages for C felons who served mandatory sentences vs. those who were waived did not differ (12.5 vs. 12.6). Medians scores are reported in the table below.

Mandatory Minimum Status among Offense Classes by Average and Median Time to Recidivate (months) with New Conviction that Led to Prison			
	Mandatory Served	Waived	Total
B Felons			
AVERAGE	12.6	0	12.6
MEDIAN	7.5	0	7.5
C Felons			
AVERAGE	12.5	12.6	12.5
MEDIAN	11.9	10.9	11.6

Level of Risk at Prison Entrance

Among offenders whose levels of risk were submitted within 180 days of their prison entrance, offenders' LSI-R scores at prison entrance were moderately associated with recidivism. Thirty-two percent of moderate/high or high risk offenders returned to prison, compared to only 19% of moderate risk offenders and 17% of low or low/moderate risk offenders. For returns on new convictions, the rates were 10%, 9%, and 6%, respectively.

The return-to-prison rates were about the same for low and low/moderate risk offenders who served mandatory sentences and those whose mandatory sentences were waived (20%). However, for both moderate and moderate/high or high risk offenders, those who served mandatory sentences had higher returns rates than the waived group (21% vs. 14% and 35% vs. 31%, respectively).

Return-to-Prison by Mandatory Minimum Sentence Status and LSI-R at Prison Entrance									
	Mandatory Served			Ineligible			Waived		
	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate
Low/ LowModerate (0-23)	21	4	19.0%	9	1	11.1%	5	1	20.0%
Moderate (24-33)	78	16	20.5%	27	5	18.5%	21	3	14.3%
ModerateHigh/ High (34+)	75	26	34.7%	39	10	25.6%	16	5	31.3%

Only prisoners were included in LSI-R at prison entrance analysis because initial prison start dates for work releases were not available in the dataset.

LSI-R at prison entrance seems to be somewhat predictive of recidivism for cocaine, marijuana, and methamphetamine offenders. For marijuana offenders, none of the low or low/moderate risk offenders returned, while 23% of moderate risk returned and 26% of the moderate/high or high risk offenders returned. For cocaine and methamphetamine offenders, low or low/moderate risk offenders had lower returns rates (25% for both groups) than moderate/high or high risk offenders (55% for cocaine and 28% for methamphetamine); however, the moderate risk offenders were least likely to return.

In comparing cocaine and methamphetamine offenders who had risk assessments at prison entrance, cocaine offenders had higher statistical risk. Cocaine offenders' median LSI-R score was 36, moderate/high risk, whereas methamphetamine offenders' median score was 32, moderate risk. Both cocaine and methamphetamine offenders who served mandatory sentences had higher median LSI-R scores at prison entrance than comparable drug offenders whose mandatory terms were waived. However, cocaine offenders had higher median LSI-R scores at prison entrance than methamphetamine offenders regardless of whether or not they served the mandatory sentence.

Level of Risk at Release

Among offenders whose levels of risk were submitted within 180 days of their release from incarceration, higher risk offenders were more likely to return to prison. Forty-one percent of moderate/high or high risk offenders returned to prison compared to only 34% of moderate risk offenders and 21% of low or low/moderate risk offenders. For returns on new convictions, the rates were 21%, 15%, and 12%, respectively. This suggests that LSI-R scores at release from prison are moderately associated with recidivism.

The return-to-prison rates were higher for low or low/moderate risk offenders whose mandatory sentences were waived than those who served mandatory sentences (27% vs. 21%). However, for both moderate and moderate/high or high risk offenders, those who served mandatory sentences had higher returns rates than the waived group (34% vs. 32% and 61% vs. 15%, respectively).

Return-to-Prison by Mandatory Minimum Sentence Status and LSI-R at Release									
	Mandatory Served			Ineligible			Waived		
	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate
Low/ LowModerate (0-23)	112	23	20.5%	18	3	16.7%	15	4	26.7%
Moderate (24-33)	133	45	33.8%	45	15	33.3%	28	9	32.1%
ModerateHigh/ High (34+)	38	23	60.5%	30	8	26.7%	13	2	15.4%

LSI-R risk level at release from incarceration was associated with higher return-to-prison rates for all drug types. For each drug type, those in the lowest risk categories had the lowest returns rates, followed by the moderate and moderate/high or high risk categories. As would be expected, the LSI-R score at release is more strongly associated with recidivism than the LSI-R score at admission.

LSI-R assessments submitted within 180 days of release from incarceration were also associated with returns-to-prison rates for both those who were paroled within six months of meeting parole eligibility and

those paroled later than six months. In both comparison groups, offenders in the highest risk category had the highest prison return rates, followed by moderate risk. Offenders in the lowest risk category were least likely to return to prison.

Also, offenders who served mandatory sentences and exited within six months after MPD (minimum parole eligibility date) at each LSI-R category had lower returns than offenders who exited later than six months in comparable risk categories. This suggests that, for the cohort examined here, the Board of Parole was successful in identifying offenders most likely to recidivate, even within LSI-R risk categories.

Exit within six months after MPD by LSI-R at Release and Return-to-Prison						
	MEDIAN	N	New Conviction Returns	Total Returns	New Conviction Return Rate	Total Return Rate
Released within 6 months of MPD	24 (moderate)	249	36	66	14.5%	26.5%
Low/ LowModerate (0-23)		85	6	13	7.1%	15.3%
Moderate (24-33)		84	13	22	15.5%	26.2%
ModerateHigh/ High (34+)		25	7	13	28.0%	52.0%
Released later than 6 months of MPD	27 (moderate)	109	29	54	26.6%	49.5%
Low/ LowModerate (0-23)		26	8	10	30.8%	38.5%
Moderate (24-33)		47	9	23	19.1%	48.9%
ModerateHigh/ High (34+)		13	5	10	38.5%	76.9%

Missing LSI-R scores were not included in the percentages.

Changes in Offenders' Risk Levels during Prison

The recidivism rates of prisoners whose LSI-R scores increased, remained the same, or decreased over the course of their prison stays were analyzed. Taking into consideration the change in LSI-R scores over the course of prison stays, offenders whose risk worsened in prison had higher return-to-prison rates than those whose risk improved (30% vs. 20%). Although this is a small cohort limited to one type of offender, it suggests that the extent to which a prisoner's risk changes in prison has a relationship to success following incarceration.

Change in LSI-R Scores over the Course of Prison Stay by Return-to-Prison				
	N (total)	New Conviction Returns	Total Returns	Total Return Rate
Improved (LSIR decreased)	158	8	31	19.6%
Same (LSIR no change)	14	4	5	35.7%
Worsened (LSIR increased)	23	4	7	30.4%
Total	195	16	43	22.1%

Only prisoners were included in LSI change data because initial prison start dates for work releases were not available in the dataset. Also, the analysis only includes those assessed at both prison entrance and exit.

Analysis of the average time served and changes in LSI-R scores for the comparison groups suggests an association between length of stay in prison and reductions in LSI-R scores. As shown in the table, those whose LSI-R scores improved during incarceration tended to serve more time in prison than those whose scores either remained unchanged or worsened. When breaking the data by offense class, this tended to be true for all groups with the exception of C felons, who showed little difference in time served.

AVERAGE Length of Stay in Prison (months) and Changes in LSI-R Scores				
	Mandatory Served	Ineligible	Waived	Total
Improved (LSIR decreased)	24.5	10.8	19.2	21.7
Same (LSIR no change)	21.7	13.3	18.8	19.9
Worsened (LSIR increased)	23.0	9.5	15.8	15.3

Only prisoners were included in LSI-R change data because initial prison start dates for work releases were not available in the dataset. Also, the analysis only includes those assessed at both prison entrance and exit.

Level of Risk and Length of Prison Stay

At prison entrance, C felons who served mandatory sentences had slightly higher median LSI-R scores than comparable offenders whose mandatory sentences were waived (33 vs. 31.5). C felons were also higher risk than B felons who served mandatory sentences (33 vs. 31).

Data were analyzed to examine whether low risk offenders are more quickly released than comparable high risk offenders. The data do not support this, as the length of stay among the risks varied among the offense classes and was not consistent.

AVERAGE Prison Length of Stay (months) by LSI-R at Release and Mandatory Sentence Status			
	Mandatory Served	Ineligible	Waived
B Felons	34.3		24.7
Low/ LowModerate (0-23)	32.6		24.7
Moderate (24-33)	31.5		
ModerateHigh/ High (34+)	26.2		
C Felons	19.1		14.5
Low/ LowModerate (0-23)	19.8		15.2
Moderate (24-33)	19.2		11.2
ModerateHigh/ High (34+)	20.0		16.9
D Felons		10.1	
Low/ LowModerate (0-23)		9.4	
Moderate (24-33)		8.7	
ModerateHigh/ High (34+)		11.3	
Felon - Enhanced	33.5		23.2
Low/ LowModerate (0-23)	29.4		22.4
Moderate (24-33)	33.7		19.4
ModerateHigh/ High (34+)	43.2		

Only prisoners were included in length of stay analysis because initial prison start dates for work releases were not available in the dataset. Foreign-born offenders were excluded from the data.

Data were also examined to determine whether or not serving longer sentences reduces the risk of reoffending among the risk categories. The length of stay does not appear to have much impact on recidivism among the risk categories, as there is little variation in the return rates of offenders who stayed in prison for shorter (less than the median) or longer (greater than the median) periods of time.

Drug Type

Cocaine traffickers were more likely than methamphetamine and marijuana traffickers to return to prison within three years of release (45% of cocaine traffickers returned vs. 30% of methamphetamine traffickers and 24% of marijuana traffickers). Among those who returned to prison, the percentage returning on new convictions compared to technical violations did not vary much among the drug types, with about equal percentages returning on new convictions and technical violations in each drug category.

Among offenders serving mandatory sentences, cocaine traffickers were more likely than methamphetamine traffickers to return to prison within three years of release (50% vs. 31% returned). Cocaine offenders were more likely to return on new convictions than technical violations (28% vs. 22%), whereas methamphetamine traffickers were about equally likely to return on new convictions and technical violations (16% vs. 15%). Among offenders whose mandatory sentences were waived, cocaine offenders were also more likely than methamphetamine offenders to return to prison (35% vs. 26%). Waived cocaine and

methamphetamine offenders were both more likely to return to prison on technical violations than new convictions.

Compared to offenders serving mandatory sentences, waived offenders (with convictions involving the same drug type) were less likely to return to prison. However, this effect was more pronounced for cocaine offenders. Among cocaine offenders, 50% of those who served mandatory sentences returned to prison within three years, but only 35% whose mandatory sentences were waived returned. For methamphetamine traffickers, 31% serving the mandatory sentence returned, compared to 26% of those not sentenced to the mandatory term. Also, among those who returned to prison, the likelihood of returning on new convictions (as opposed to technical violations) was associated with receiving a mandatory sentence. Both cocaine and methamphetamine offenders who served mandatory sentences were more likely to return on new convictions compared to the same drug comparison groups who were waived (for cocaine offenders, 28% who served mandatory sentences had new convictions vs. 8%; for methamphetamine offenders, 16% vs. 11%).

Drug Type by Mandatory Status and Returns to Prison										
	Cocaine		Marijuana		Meth		Other	Unknown	Total	
Mandatory Served	60		1		268		3	31	363	
Total Return to Prison	30	50.0%	0		83	31.0%	0	7	120	33.1%
<i>New Conviction</i>	17	28.3%			44	16.4%		4	65	17.9%
<i>Technical</i>	13	21.7%			39	14.6%		3	55	15.2%
Waived No Mandatory	26		2		46		2	5	81	
Total Return to Prison	9	34.6%	0		12	26.1%	0	2	23	28.4%
<i>New Conviction</i>	2	7.7%			5	10.9%		1	8	9.9%
<i>Technical</i>	7	26.9%			7	15.2%		1	15	18.5%
Ineligible No Mandatory	0		84		48		0	1	133	
Total Return to Prison	0		21	25.0%	15	31.3%	0	0	36	27.1%
<i>New Conviction</i>			10	11.9%	5	10.4%			15	11.3%
<i>Technical</i>			11	13.1%	10	20.8%			21	15.8%
Total	86		87		362		5	37	577	

African-Americans, who were primarily cocaine users, were overall more likely than Hispanics and whites to return to prison, who were more likely to use methamphetamine. Fifty percent of African-Americans returned, vs. 25% of Hispanics and 26% of whites. However, African-Americans were more likely to return on technical violations (30%) than new convictions (20%), whereas Hispanics were more likely to return on new convictions (18%) than technical violations (7%), and whites were equally likely to return on either type of violation (13%). African-Americans were also more likely than the others to return to prison regardless of the drug involved. For instance, 55% of African-American cocaine offenders returned compared to only 13% of whites.

Cocaine and methamphetamine offenders who returned to prison on *new convictions* were about equally likely to return with felony and misdemeanor convictions (approximately 60% had felonies and 35% had misdemeanors). When examining the offense types of the returns for new convictions, they were also equally

likely to return to prison for drug and public order offenses (approximately 60% for drugs and 16% for public order). However, methamphetamine offenders were more likely than cocaine offenders to return on property offenses (15% vs. 5%), while cocaine offenders were more likely to return on violent offenses (16% vs. 9%).

Calculations of the average time to commit a new offense that led to a prison return indicate that marijuana traffickers recidivated the most quickly, followed by cocaine traffickers and methamphetamine offenders. Cocaine traffickers recidivated an average of three months more quickly than methamphetamine traffickers (9.8 months after release vs. 12.9 months).

District

Districts 1 and 8 had the highest returns-to-prison rates, each having 36% of drug traffickers return. There does not appear to be a relationship between the prevalence of mandatory sentences among the districts and return-to-prison rates. For example, District 4, which had the second highest percentage of offenders serving mandatory sentences, had the lowest return-to-prison rate among the districts at 16%. District 7, which had the second lowest percentage of offenders serving mandatory sentences, had a fairly high return-to-prison rate (35%) compared to the other districts.

	% Mandatory Served	Total Return Rate	New Conviction Return Rate
District 5 (n=214)	81%	35.0%	15.0%
District 4 (n=32)	72%	15.6%	9.4%
District 1 (n=77)	71%	36.4%	19.5%
District 2 (n=55)	60%	18.2%	10.9%
District 8 (n=64)	56%	35.9%	28.1%
District 6 (n=27)	41%	29.6%	11.1%
District 7 (n=46)	37%	34.8%	17.4%
District 3 (n=62)	24%	22.6%	4.8%

Estimated Marginal Costs

The Iowa Dept. of Corrections has one of the larger budgets in state government. Evidence presented here suggests that mandatory minimum sentences are associated with higher inmate costs due to longer lengths-of-stay for those serving mandatory minimum terms. Offenders in this study who served mandatory minimum sentences served an average of about 9.5 months (overall average difference between those serving vs. waivers) longer in prison. Prison is a costlier option than probation and parole. In FY 2010, the marginal cost of one day in prison per offender in Iowa was \$16.75, but on probation and parole the average cost was \$3.64 each day per offender (DOC estimates). This is a cost differential of \$13.11 per offender per day.

If the 388 offenders who served the mandatory sentence had been released 9.5 months earlier (i.e., after the same length-of-stay as those without mandatory terms), it would have saved \$5,086.68 per day or \$1,449,703.80 total over the course of the 9.5 month time period for those 388 offenders. This is a conservative cost estimate because this study only included new admissions and probation revocations.

Class B felons who served mandatory sentences were incarcerated about 8.8 months longer than those who did not and C felons who served mandatory sentences were incarcerated about 5.7 months longer. The savings from eliminating mandatory minimum sentences for C felons, however, is greater than for B felons, for more C felons than B felons serve mandatory minimum sentences. If the 104 B felons who served the mandatory sentence had been paroled 8.8 months earlier, it would have saved \$1,363.44 per day or \$359,948.16 total over the course of the 8.8 month period of time. If the 256 C felons serving the mandatory sentence had been paroled 5.7 months earlier, it would have saved \$3,356.16 per day or \$573,903.36 over the course of 5.7 months.

Cost Savings	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Drug Traffickers (overall)	9.5	285	388	\$13.11	\$5,086.68	\$1,449,703.80
B Felons	8.8	264	104	\$13.11	\$1,363.44	\$359,948.16
C Felons	5.7	171	256	\$13.11	\$3,356.16	\$573,903.36

Cost Estimates by Risk Level

	Difference in time to return to prison (months) for those serving mandatory vs. waived	Total Return Rate - Mandatory Served	Total Return Rate - Waived	Mandatory Served Average LOS (months)	Waived (months)	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Low and Low/Moderate	9.5 months (waived returned sooner)	19.0%	20.0%	19.6	8.5	11.1	333	26	\$13.11	\$340.86	\$113,506.38
Moderate	0.9 months (those with mandatory sentences returned sooner)	20.5%	14.3%	25.2	12.9	12.3	369	83	\$13.11	\$1,088.13	\$401,519.97
Moderate/High and High	0 months	34.7%	31.3%	23.0	19.4	3.6	108	78	\$13.11	\$1,022.58	\$110,438.64

The table only estimates the costs for the cohort examined here. It does not represent all drug traffickers who served mandatory sentences and were released in FY2007 – only the 625 cohort members. Also, only prisoners are included in length of stay and risk score analysis at prison entrance because work release data were not available in the dataset. Not all offenders were assessed at prison entrance. Return-to-prison rate calculations exclude foreigners.

Among offenders who were assessed at prison entrance, 14% of prisoners who served mandatory sentences were low and low/moderate risk. Low and low/moderate risk offenders who served mandatory sentences represented 18% of the total cost savings of assessed prisoners.

If mandatory sentences were eliminated for low or low/moderate risk offenders in the cohort, it would result in cost savings without changing recidivism (the return-to-prison rates of low or low/moderate risk who served mandatory terms vs. those waived did not differ). Maintaining the current mandatory sentencing policy for moderate and moderate/high or high risk offenders would not reduce recidivism (those who served mandatory terms had higher return-to-prison rates than those who were waived), but it would incapacitate those offenders who are more likely to return for a longer time period.

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Appendix A: IA Codes Eligible for §124.413 Mandatory Sentence

CrimeCd	YearOfCode	OffenseDesc	CrimeClass	CrimeSubType
§124.401(1)(a)(1)	1993	Proh Acts-Heroin GT 1kg	B Felony	Trafficking
§124.401(1)(a)(2)(a)	1993	Proh Acts-Coca Leaves GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(b)	1993	Proh Acts-Cocaine GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(c)	2001	Proh Acts--Ecgonine GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(d)	2001	Proh Acts--Meth GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(e)	2001	Proh Acts--Amph GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(f)	2001	Proh Acts--Other Cont Subst LT 5kg	B Felony	Trafficking
§124.401(1)(a)(3)	2001	Proh Acts--Cocaine GT 50gm	B Felony	Trafficking
§124.401(1)(a)(4)	2001	Proh Acts--PCP GT 100gm	B Felony	Trafficking
§124.401(1)(a)(5)	2001	Proh Acts--LSD GT 10gm	B Felony	Trafficking
§124.401(1)(b)(1)	2001	Proh Acts--Heroin GT 100 gm but LT 1kg	B Felony	Trafficking
§124.401(1)(b)(2)(a)	2001	Proh Acts--Cocoa Leaves GT 500 gm but LT 5 kg	B Felony	Trafficking
§124.401(1)(b)(2)(b)	2001	Proh Acts--Cocaine > 100 gm and < 500 gms.	B Felony	Trafficking
§124.401(1)(b)(2)(c)	2001	Proh Acts--Ecgonine GT 500 gm but LT 5 kg	B Felony	Trafficking
§124.401(1)(b)(2)(d)	2001	Proh Acts--Other Cont Sub LT 500 gm	B Felony	Trafficking
§124.401(1)(b)(3)	2001	Proh Acts--Cocaine GT 5gm but LT 50 gm	B Felony	Trafficking
§124.401(1)(b)(4)	2001	Proh Acts--PCP GT 10gm but LT 100gm	B Felony	Trafficking
§124.401(1)(b)(5)	2001	Proh Acts--LSD LT 10gm	B Felony	Trafficking
§124.401(1)(b)(7)	2001	Proh Acts--Meth GT 5gm but LT 5kg	B Felony	Trafficking
§124.401(1)(b)(8)	2001	Proh Acts--Amph GT 5gm but LT 5kg	B Felony	Trafficking
§124.401(1)(c)(1)	2001	Proh Acts--Heroin LT 100gm	C Felony	Trafficking
§124.401(1)(c)(2)(a)	2001	Proh Acts--Cocoa Leaves LT 500 gm	C Felony	Trafficking
§124.401(1)(c)(2)(b)	2001	Proh Acts--Cocaine LT 500gm	C Felony	Trafficking
§124.401(1)(c)(2)(c)	2001	Proh Acts--Ecgonine LT 500gm	C Felony	Trafficking
§124.401(1)(c)(2)(d)	2001	Proh Acts--Other Cont Subst LT 500 gm	C Felony	Trafficking
§124.401(1)(c)(3)	2001	Proh Acts--Cocaine LT 5gm	C Felony	Trafficking
§124.401(1)(c)(3)	2003	Proh. Acts -- Cocaine LT 10 gm	C Felony	Trafficking
§124.401(1)(c)(4)	2001	Proh Acts--PCP LT 10gm	C Felony	Trafficking
§124.401(1)(c)(6)	1999	Proh Acts--Meth LT 5 gm	C Felony	Trafficking
§124.401(1)(c)(7)	1999	Proh Acts--Amph LT 5 gm	C Felony	Trafficking
§124.401(1)(c)(8)	1999	Proh Acts--Other Subst Sched I, II, III	C Felony	Trafficking
§124.401A	2001	Proh Acts-Dist Sched I, II, III-Real Prop (ADD 5 YR)	Enhancement	Trafficking
§124.401C	1998	Manufacture Meth in Minors Presence	Enhancement	Trafficking
§124.411	1993	Cont Subst-2nd or Subseq-3X Penalty Enh	Enhancement	Trafficking
§902.8,B	1978	HABITUAL OFFENDER (PROPERTY)	Enhancement	Other Criminal

Appendix B: IA Codes Ineligible for §124.413 Mandatory Sentence (in Cohort)

CrimeCd	YearOfCode	OffenseDesc	CrimeClass	CrimeSubType
§124.401(1)(d)(2)		Proh Acts--Flunitrazepam or <50kg Marijuana	D Felony	Trafficking
§124.401(4)(a)	2000	Proh Acts-Poss Prod Int for Mfg - Ephedrine	D Felony	Trafficking
§124.401(4)(b)	2000	Proh Acts-Poss Prod Int for Mfg - Pseudoephedrine	D Felony	Trafficking
§124.401(4)(c)	2000	Proh Acts-Poss Prod Int for Mfg - Ethyl ether	D Felony	Trafficking
§124.401(4)(d)	2000	Proh Acts-Poss Prod Int for Mfg - Anhydrous Ammonia	D Felony	Trafficking
§124.401(4)(e)	2000	Proh Acts-Poss Prod Int for Mfg - Red Phosphorous	D Felony	Trafficking
§124.401(4)(f)	2000	Proh Acts-Poss Prod Int for Mfg - Lithium	D Felony	Trafficking
§124.406(3)	2002	Conspiracy to Deliver Controlled Subs to Minor	D Felony	Trafficking

APPENDIX B

PUBLIC SAFETY ADVISORY BOARD

The Effectiveness of Domestic Abuse Protective Orders & Court Practices in
Sentencing Violators

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Executive Summary

Deterring abuse is important to ensuring safety among domestic violence and assault victims. Protective orders are tools aimed at restricting contact between the victim and the abuser to prevent subsequent violence. While empirical research has indicated that protective orders are effective, the extent of the effectiveness is uncertain because violation rates have varied widely from study to study. In addition, little research exists to explain how violations of protective orders are handled, which factors are considered when giving penalties, and whether certain situations lead to a given type of penalty. Punishing protective order violators is important because, if abusers have violated the order once, it is likely that they will do so again; without enforcement, the order is essentially a piece of paper that does not protect the victim from danger. Another important consideration is the nature of the punishment. Iowa law allows defendants accused of domestic abuse contact order violations to be charged with civil contempt or a criminal misdemeanor. These two penalties differ in severity and impact on the offender's criminal record. The current study attempts to fill these gaps in the research. The purpose of the study is to

- 3) Examine practices for handling protective order violations and compare Iowa's eight judicial districts to identify whether there are differences in court practices.
- 4) Determine the effectiveness of protective orders in Iowa by calculating protective order violation rates and subsequent occurrences of domestic violence.

The first research question was addressed through the use of a survey of county attorneys and judges. The purpose of the survey was to identify variations among the districts in procedures pertaining to protective/no contact orders and differences in how violations of orders are treated (as civil contempt or criminal simple misdemeanor) as allowed under Iowa Code 664A.7. The survey also asked participants about their opinions on the effectiveness of Code 664A.7, their perspectives on certain aspects of the law, and their ideas for how it could be improved. The questionnaire, which was developed in collaboration with county attorneys and a judge, was reviewed by several other legal professionals to ensure that questions were appropriate and relevant. An email providing a link to the online questionnaire was sent to all 99 county attorneys and all 8 judicial district chief judges and administrators.

One-hundred twenty nine respondents participated in the online survey, and of those, 104 surveys were returned completed. County prosecutors, magistrates, and district judges were fairly evenly represented as respondents, but fewer district associate judges participated in the survey.

Although there are differences among the judicial districts in practice, the majority appear to be minor. The most significant differences appear to be in how violations of protective and no contact orders are charged. Iowa Code §664A.7 allows for violations to be considered either contempt of court or simple misdemeanors. In

addition, some jurisdictions use Iowa Code§665.2, a more general contempt of court for violations in domestic abuse protective/no contact order violations. There are also variations in the average length of jail time for violators.

A sample of 768 individuals who were defendants with protective and/or no contact orders in place during a six-month period from January 2009 through June 2009 for domestic abuse cases was drawn. This sample was used to look at subsequent violations and new domestic abuse charges and convictions. There are limitations to this part of the study due to issues such as multiple case IDs, multiple orders, and a lack of victim identifiers in the court system.

Overall, there was a 16% rate for violations of protective and no contact orders during the study time period, based upon convictions. There were variations in conviction rates, and type of conviction (criminal compared to civil) among the judicial districts. However, in some instances the numbers were small, so statistical inferences were not made. The conviction rate for subsequent domestic abuse offenses was 15.6% during the study period. There was no appreciable difference between those who had violated a protective/no contact order, and those who did not. Analysis was not done on length of time from the issuance of an order to time of violation or new domestic abuse charge/conviction.

Literature Review

Domestic abuse is broadly defined as a physical assault against adult family members or current or previous intimate partners (IA Code 236.2). Nationwide, domestic abuse affects a large number of people, particularly women. Annually, 1.3 million women and 835,000 men are physically assaulted by an intimate partner (Tjaden & Thoennes 2000). The National Violence Against Women survey reports that 22% of women and 7% of men are physically assaulted by their intimate partners, that 64% of the violent acts committed against women are by intimate partners, and that female victims are significantly more likely than males to be injured during domestic violence attacks (Tjaden & Thoennes 2000).

Although traditionally domestic violence was considered a family matter existing outside of the legal realm, it became a recognized social issue in the 1970s (Tjaden & Thoennes 2000); during that decade a few states created laws to protect battered women (Carlson, Harris, & Holden 1999). In 1976, the first civil protection legislation was adopted to prevent domestic violence through protective orders (Hart). By 1983, civil protective orders were available in 32 states, and by the early 1990s, they were in place in all 50 states (see Carlson et al. 1999; Hart). The 1994 Violence Against Women Act (VAWA) was an important step toward national recognition of domestic violence issues, safety through the enforcement of protective orders, and assurance of safe mobility and travel for victims. It mandated that states honor the “valid” protection orders issued by other states (Carbon, Macdonald, & Zeya 1999) and banned protective order defendants from possessing firearms (see Bridges, Tatum, & Kunselman 2008). In the late 1990s through 2000s, state legislatures passed a myriad of stricter domestic violence laws. Legislation arising during that time has reduced the likelihood of domestic violence (Dugan 2003), but not domestic violence homicide (Bridges et al. 2008).

Orders of protection are legal tools that are designed to protect people from violence and “reduce the risk of future threat or harm by a person who is determined to pose a threat to another” (Benitez, McNiel, & Binder 2010). This is typically achieved by limiting or preventing contact or communication, requiring a party to vacate the property, counseling for the defendant, restricting or eliminating the use of firearms, requiring mandatory arrest of perpetrators, and changing child custody arrangements. The terms of the order can be tailored to the victim’s particular situation (Iowa 2010; Logan & Walker 2009).

The vast majority of protective orders are filed for domestic abuse (see Benitez et al. 2010). The civil protection order is an option that makes it easier for some domestic violence victims to protect themselves. It empowers victims to file their own order in the absence of a criminal case, provides an attractive option for victims who are reluctant to press criminal charges (see DeJong & Proctor 2006), generally results in quicker action, and is more likely to be filed as a result of emotional abuse than physical abuse (Kethineni & Beichner

2009). It differs from the criminal order which is only filed by officials against offenders who have committed criminal acts. Unfortunately, although civil protective orders make it easier for victims to protect themselves, it is estimated that only 20% of battered women in the US obtain civil protection orders (see Holt, Kernic, Lumley, Wolf, & Rivara 2002). The number of women who do not have a protective order but would benefit from one is much greater. Protection orders only have the opportunity to protect victims who file for them.

Research indicates that protective orders are somewhat effective, protecting *some* victims from subsequent violence, and at the very least, increasing victims' perceptions of safety (Logan & Walker 2010). Nevertheless, the primary measure of protective order effectiveness, violation rate, has varied widely. A review of empirical studies by Benitez et al. (2010) indicates that protection order violation rates range from 7.1% to 81.3%, depending on the study design and the data used to measure outcomes. Studies that use arrest records report lower protective order violation rates (Logan & Walker 2009). Well-designed studies that have long follow-up periods, large samples, and a comparison of women with and without protective orders show that protective orders are effective (Benitez et al. 2010). For example, Holt et al. (2002) found that, in Seattle, permanent (but not temporary) civil protective orders were effective in reducing police-reported violence. After controlling for other variables, permanent protective orders resulted in an 80% reduction in violence after a 12 month time period.

Studies show that various factors play a role in the relationship between protective orders and re-abuse. Factors associated with increased likelihood of re-abuse are 1) being an African-American victim (Carlson et al. 1999), 2) having low socio-economic status (Carlson et al. 1999), 3) living in a rural location (Hawkins 2010; Logan & Walker 2005), 4) having recently filed a protective order (Benitez et al. 2010), 5) having a criminal or drug abuse history (Benitez et al. 2010), 6) choosing to stay in the relationship despite the protective order (Logan & Walker 2009), and 7) stalking behavior (Logan & Walker 2009). Factors associated with decreased likelihood of re-abuse are being in a long-term relationship (Carlson et al. 1999) and arresting the defendant at the time of incident (Benitez et al. 2010). The ways in which these factors interact with re-abuse can be attributed to the degree to which defendants (or victims) are invested in the intimate relationship and the perceived avoidance of the legal consequences (Carlson et al. 1999) as well as location factors that play a role in the resources and options available to victims.

The effectiveness of domestic violence efforts and laws may ultimately depend on how the court system punishes perpetrators. The response can vary widely and may depend on the beliefs, reactions, and decisions of court officials as well as the state's laws and complexity of the legal process (DeJong & Proctor 2006). State court systems are not always as aggressive as they could be, as shown by a study in Utah which found that many offenders who violated protective orders were punished less severely than allowed by state and federal

sentencing guidelines (Diviney, Parekh, & Olson 2009). Also, a lack of understanding domestic violence and misperceptions about the dynamics of abusive relationships among judges, police officers, and juries can contribute to biases that benefit batterers in court (Fradella & Fischer 2010; Epstein 1999; Hartley & Ryan 1998; Fields 2008) and can contribute to regional variations in how protective orders and violations are handled in urban and rural areas (Hawkins 2010; Logan, Shannon, & Walker 2005).

The type of punishment for violating protective orders varies among the states and even within the same state, resulting in a wide range of potential outcomes for victims and offenders. For the most part, it is the victim's responsibility to monitor compliance and choose whether or not to report violations (Baker 2002). However, once reported, the course of action is not clearly defined. Offenders who violate the order may be arrested at the police officer's discretion or mandatorily. In court proceedings, violating the protective order may be treated as a criminal offense or civil contempt. Criminal offenses can result in arrest, fines and/or jail time, while civil contempt offenses may aim for compliance (Baker 2002). While this variation has been acknowledged, few studies examine judicial responses when a protective order is violated.

Iowa Legislative Efforts

Since the mid-1990s, federal law has prohibited those guilty of domestic violence from possessing firearms. In 2010, Iowa passed a similar law to prohibit people who are subjects of protective orders or have been convicted of misdemeanor domestic abuse from possessing firearms. Prohibiting the use of firearms is particularly important because firearms are the most common means of death in domestic violence homicides in Iowa (IDPH 2009). In 2011, the legislature proposed other bills to increase protection for victims of domestic abuse, including an increase in penalties for acts that involve strangulation, the creation of a fund for a self-defense course offered by county sheriffs to victims of domestic violence, and the redefinition of domestic abuse assault under Iowa Code 708.2A to extend penalties to unmarried persons in romantic relationships. However, none of these bills were passed in 2011.

Iowa Domestic Violence Assistance Programs and Services

Many organizations operate programs and services for domestic violence and assault victims throughout the state of Iowa. Typically, the kinds of assistance offered by these organizations include medical and legal services, shelters, transitional housing, counseling, resources, and 24-hour hotlines. Services are widespread and available in most of Iowa's large and medium sized cities and towns. Domestic abuse shelters serve several surrounding counties in regions throughout the state (see CFI 2010). There are advocacy and support organizations operating in all 99 counties (see aardvark.org for a list). Even though all types of services are not available locally in all communities, some form of help is available.

Lists of Iowa organizations that offer programs and assistance are widely available on the internet. Children & Families of Iowa operates the Iowa Domestic Violence hotline and a CFI local hotline, and offers a broad range of services, including shelters and transitional housing, counseling, community outreach, and legal advocacy. CFI recently published and made available on its website a detailed state resource guide listing a wide range of all the domestic violence programs and services in Iowa (CFI 2010). In communities across Iowa, local organizations such as crisis intervention centers, YWCA, programs for children and families, non-secular charities, non-profit organizations, law offices, advocacy services, and sexual assault centers may offer services for victims of domestic violence. Some organizations provide assistance to minorities or the disabled, including hotlines with phone service in Spanish and other languages, the organization Latinas United for a New Dawn (LUNA) based in Des Moines, and Deaf Iowans against Abuse operated statewide. Organizations that provide shelters or housing for victims, among others, include ACCESS in Ames, Crisis Intervention and Advocacy Center

in Adel, Family Crisis Support Network in Atlantic, the YWCA in Burlington, Wayport Services in Cedar Rapids, and Phoenix House in Council Bluffs.

The State of Iowa has a batterers education program that is statutorily required for all offenders convicted of domestic abuse assault and some batterers convicted of simple assault. The state also has a group of experts that monitor domestic abuse deaths (Iowa Domestic Abuse Death Review Team). The Iowa Coalition against Domestic Violence is a state level non-profit organization that networks with domestic violence programs throughout Iowa and provides training and technical support for coalition members and professionals, as well as community outreach. The Iowa Coalition against Sexual Assault is a private non-profit organization that provides similar services for matters of sexual assault.

Domestic violence programs are in high demand in Iowa, but many programs do not have the resources to serve *all* Iowans needing assistance. The National Network to End Domestic Violence conducts an annual survey in each state to determine how many people access domestic violence services in one day. On a given day in 2010, 524 domestic violence victims in Iowa were in shelters or housing, 478 adults and children received non-residential assistance, 382 domestic violence hotline calls were answered, and 119 Iowans requested services that were not available due to understaffing or underfunding. Ninety-six percent of Iowa programs reported a rise in demand for services; however, 85% reported decreases in funding (NNEDV 2010). This suggests that increased funding is needed to meet the present and future needs of Iowans.

Purpose of study

Deterring abuse is important to ensuring safety among domestic violence and assault victims. Protective orders are tools aimed at restricting contact between the victim and the abuser to prevent subsequent violence. While empirical research has indicated that protective orders are effective, the extent of the effectiveness is uncertain because violation rates have varied widely from study to study. In addition, little research exists to explain how violations of protective orders are handled, which factors are considered when giving penalties, and whether certain situations lead to a given type of penalty. Punishing protective order violators is important because, if abusers have violated the order once, it is likely that they will do so again; without enforcement, the order is essentially a piece of paper that does not protect the victim from danger. Another important consideration is the nature of the punishment. Iowa law allows defendants accused of domestic abuse contact order violations to be charged with civil contempt or a criminal misdemeanor. These two penalties differ in severity and impact on the offender's criminal record. The current study will attempt to fill these gaps in the research. The purpose of the study is to

- 5) Examine practices for handling protective order violations and compare Iowa's eight judicial districts to identify whether there are differences in court practices.
- 6) Determine the effectiveness of protective orders in Iowa by calculating protective order violation rates and subsequent occurrences of domestic violence.

Description of Iowa Protective Orders

The definitions of and penalties for domestic violence were established in Iowa in 1992 under chapters 236 and 708 of the Iowa Code. Domestic abuse (IA Code 236.2) is defined as committing an assault (IA Code 708.1), an act intended to cause physical pain, injury, or threats of injury, against an adult household or family member, separated or divorced partner, boyfriend or girlfriend, or the parent of a shared child.

Orders of protection are civil or criminal legal tools designed to keep victims safe by ending or limiting their contact with the abuser. There are three types of protective orders available in Iowa (see Iowa Code chapter 664).

No-contact orders are criminal orders that can be issued for domestic assault crimes or any other public offense when there is a victim who has been physically, emotionally, or financially harmed (664A.2). It can only be issued by a judge in response to a criminal act for which the defendant has been arrested and charged. It is sometimes issued while the defendant is in jail before bond or release is granted. The protection it offers is more limited compared to protective orders; no-contact orders can restrict contact and the possession of weapons, but cannot establish child custody (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Temporary protective orders are *pro se* civil orders allowing victims of domestic violence immediate protection. Victims can file for temporary protective orders and act as their own attorney, regardless of whether criminal charges have been filed against the abuser. The temporary order grants the same protections as a permanent order except it usually is only in effect until the defendant is served the notice and the court hearing to obtain the permanent order is scheduled. Emergency protective orders are also available. They are issued when courthouses are closed and last for 72 hours (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Permanent protective orders are *pro se* orders issued to domestic abuse victims (defined under Iowa Code 236.2) after a court hearing. Permanent orders can establish custody arrangements and may require the defendant to pay for court costs (legal fees are waived for the plaintiff and may be billed to the defendant), vacate the home, forfeit weapons, attend counseling, or provide financial support for the victim or their children. Permanent orders are effective for up to one year and can be extended for another year if the plaintiff re-files before its expiration and the court determines that extension is warranted. The order can only be lifted

or changed by a judge and the victim must notify the court if he/she wants to do this; otherwise, both defendant and victim can be held responsible if the order is violated (Iowa 2010; Iowa Judicial Branch; Iowa State Court Administrator's Office 2002).

Iowa Process of Obtaining a Protective Order and Enforcement

Anyone can file a civil protective order for domestic abuse by filling out a form available at any county courthouse. The victim must show that they are currently or were previously in an intimate relationship in which a physical assault occurred and prove residence in Iowa. Minors must have their parent or guardian file protective orders for them, unless they are emancipated or legally married. The temporary order is not effective until the defendant is notified of the filing and given information about the court hearing. Both defendant and plaintiff must be present in court or else the case may be dropped and a permanent protective order may no longer be considered. The abuser is sometimes appointed an attorney that is paid by the state, while the plaintiff can choose to represent themselves (*pro se*) or pay for an attorney. The plaintiff must provide detailed information to prove that abuse has occurred, including documentation of the incidents that involved threats of physical abuse, actual physical abuse, or forced sexual activity. Pending the outcome of the hearing, a permanent order may be granted (Iowa State Court Administrator's Office 2002).

Iowa Code 664A.7 establishes that protective order violations can be either treated as a civil contempt or a criminal simple misdemeanor charge. It is the victim's responsibility to monitor compliance with the protective order and distribute copies of the order to places that they frequent, such as children's schools and employers. When a violation is reported, it is investigated by the police and if validated, the offender is mandatorily arrested and placed in jail until the hearing with the judge (Iowa State Court Administrator's Office 2002). Criminal charges can be filed by the county attorney if the abuser is arrested and, if found guilty, he or she is subject to the penalties provided by the law for those offenses. If the incident does not result in an arrest, the alternative is for the victim to file for civil contempt at the Clerk of Court office, and the judge decides whether to pursue the case in court (Iowa State Court Administrator's Office 2002; Iowa 2010). The abuser is jailed and possibly fined if found guilty of contempt (IA Code 664A.7).

Survey

Survey Methods

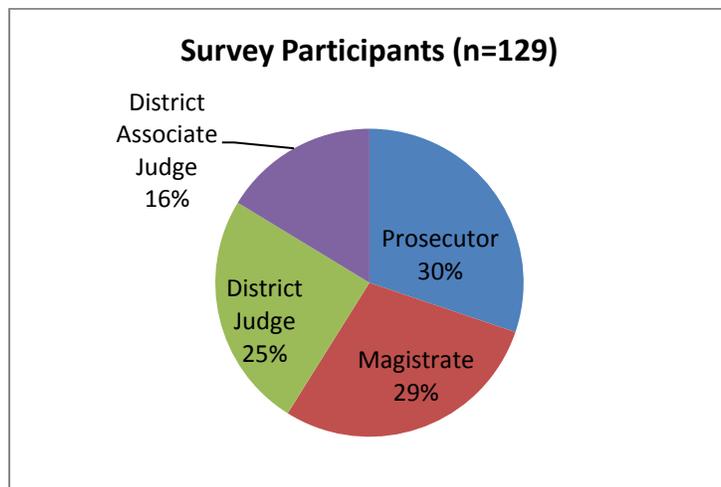
The purpose of the survey was to identify variations among the districts in procedures pertaining to protective/no contact orders and differences in how violations of orders are treated (as civil contempt or criminal simple misdemeanor) as allowed under Iowa Code 664A.7. The survey also asked participants about their opinions on the effectiveness of Code 664A.7, their perspectives on certain aspects of the law, and their

ideas for how it could be improved. The questionnaire, which was developed in collaboration with county attorneys and a judge, was reviewed by several other legal professionals to ensure that questions were appropriate and relevant. An email providing a link to the online questionnaire was sent to all 99 county attorneys and all 8 judicial district chief judges and administrators, inviting them to participate and to share the link with staff. Survey responses were collected for approximately two weeks.

Survey Results

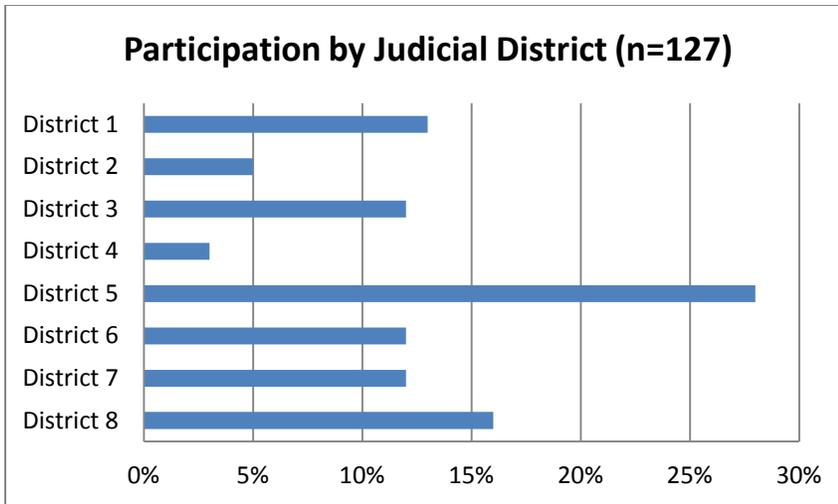
Survey Participant Description

One-hundred twenty nine respondents participated in the online survey, and of those, 104 surveys were returned completed. County prosecutors, magistrates, and district judges were fairly evenly represented as respondents, but fewer district associate judges participated in the survey.



The majority (58%) of respondents reported working only with criminal cases involving domestic abuse protective orders, 31% spend equal time working with civil cases and criminal cases, and 10% work only with civil cases. One respondent reported having no involvement with domestic abuse protective orders.

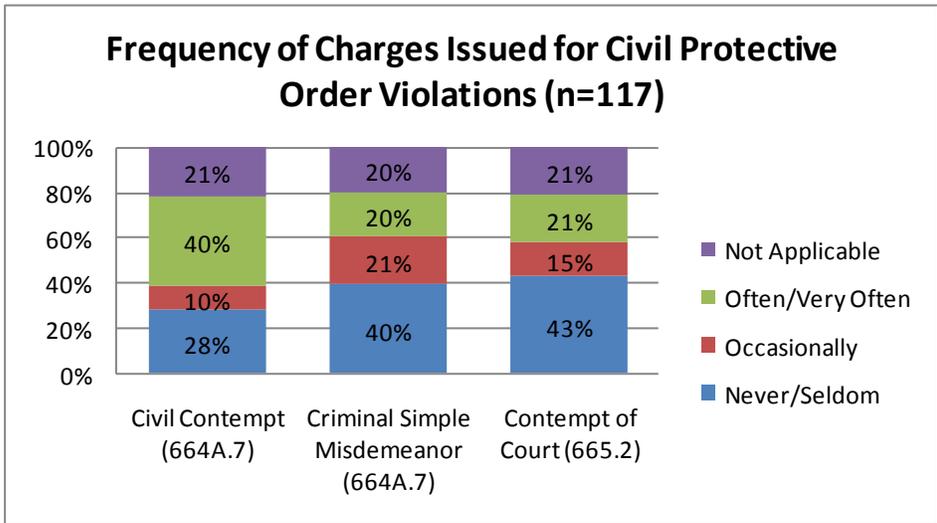
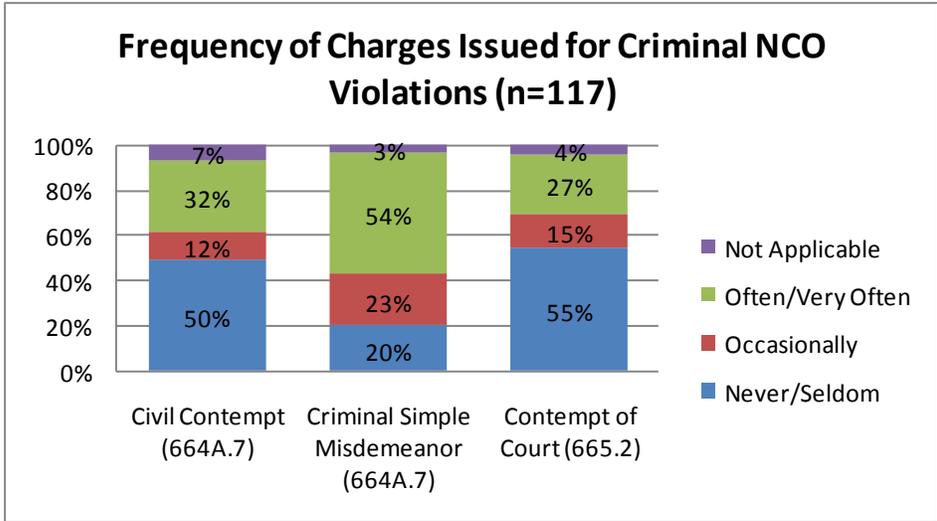
The judicial districts were adequately represented by the respondents. The highest percentage of survey participants were from District 5 (28%), which is the most populated district in the state. The fewest participants were from District 4 (3%), the least populated district in the state.



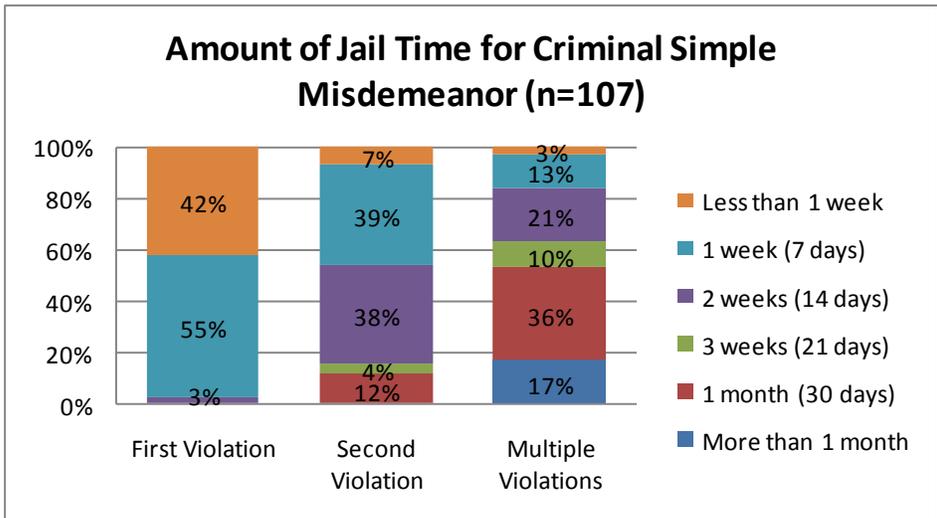
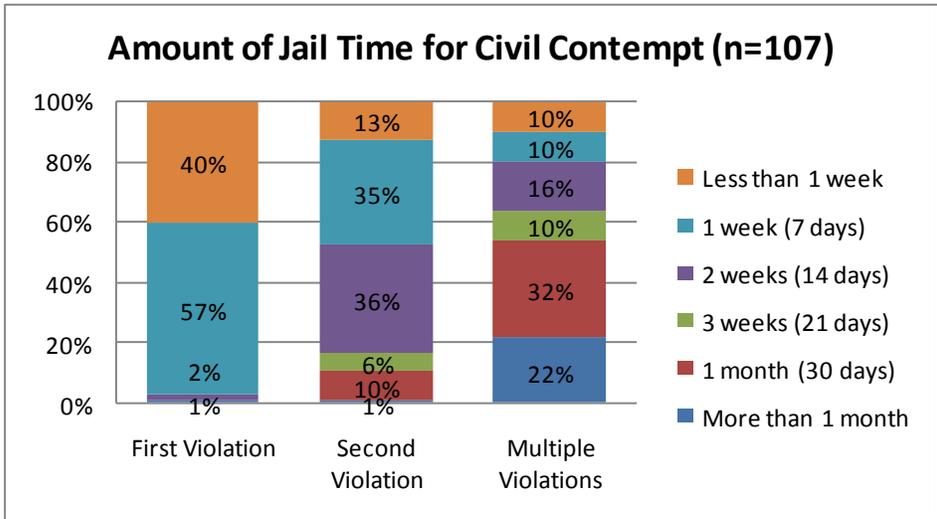
Contact Orders & Violations: Common Court Practices in Iowa

This section provides a general overview of contact order and contact order violation practices across the state based on judges,' magistrates,' and county prosecutors' most typical responses or highest levels of agreement on the survey questions.

- Although the Iowa Code specifies that “no contact orders” are criminal orders and “protective orders” are civil (*pro se*) orders, survey participants indicated that, in practice, “protective orders” and “no contact orders” are interchangeably used to describe criminal and civil orders. Nevertheless, protective orders were more likely to be regarded as civil orders, while no contact orders were more likely to be regarded as criminal orders.
- Participants indicated that criminal no contact orders are most typically effective for 1 year (47% responded) or 5 years (41% responded).
- Forty-five percent of respondents said that contact order victims are never or seldom required to go to a court hearing before an extension is granted.
- Forty-four percent of respondents replied that criminal no contact order victims are often or very often required to go to a court hearing for the order to be lifted.
- Most respondents were uncertain (57%) or replied in the negative (41%) when asked whether their court sends reminders to victims to re-file their no contact orders/protective orders prior to the expiration date to get an extension.
- Ninety-two percent of respondents agreed or strongly agreed that offenders who violate protective orders are promptly arrested and 82% agreed or strongly agreed that they are promptly prosecuted.
- Violations of criminal no contact orders are more often treated with criminal charges, whereas violations of civil protective orders are more often treated with civil charges. Although the Iowa Code does not specify the use of contempt of court (665.2) for violations of domestic abuse contact orders, 27% of respondents said that contempt of court is used often or very often for violations of criminal no contact orders and 21% reported frequent use for violations of civil protective orders.



- Many respondents indicated that severity of penalties (53%), mitigating circumstances (47%), and especially defendants’ criminal histories (70%) are “important” or “very important” factors in deciding whether contact order violations are treated civilly or criminally. Court case preparation time was regarded as a less important factor (6%).
- Respondents did not indicate any specific benefit of treating contact order violations one way or another – as civil contempt or criminal simple misdemeanor.
- Eighty percent of county attorneys agreed or strongly agreed that legal professionals consider elevating charges to stalking or harassment if an offender has violated a contact order on multiple occasions and legal basis is present.
- Regardless of whether contact order violations are treated as civil contempt or criminal simple misdemeanors, the most typical amount of jail time for first-time violators is one week, for second-time violators one to two weeks, and for multiple-time violators one month.

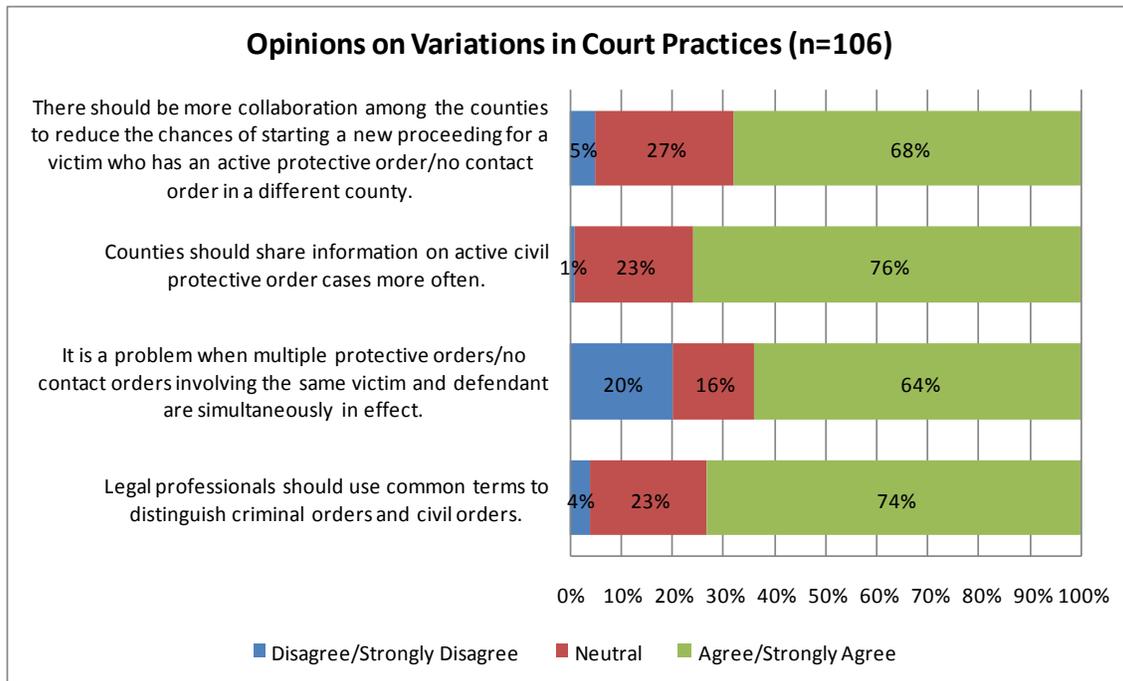


- The Iowa Code states that Batterers Education Program (BEP) is required for abusers convicted of domestic abuse assault, and 95% of respondents affirmed, reporting that BEP was frequently or almost always ordered for domestic abusers. The majority (90%) also indicated that BEP was ordered as a condition of probation for domestic abuse cases; however, 53% of respondents indicated that offenders never or only seldom receive probation for violating contact orders. Sixty percent of respondents indicated that offenders convicted of simple assault frequently or almost always receive BEP and 57% reported that BEP is frequently or almost always ordered for offenders who plead guilty to reduced charges.

Opinions on Court Practices & Variations across the State

- High levels of agreement on four close-ended survey questions indicate that respondents want less variation in court practices across the state. Specifically, 68% believed there should be more collaboration among the counties to prevent multiple active contact orders; 76% wanted counties to share information on civil protective order cases more often; 64% said it is a problem when multiple

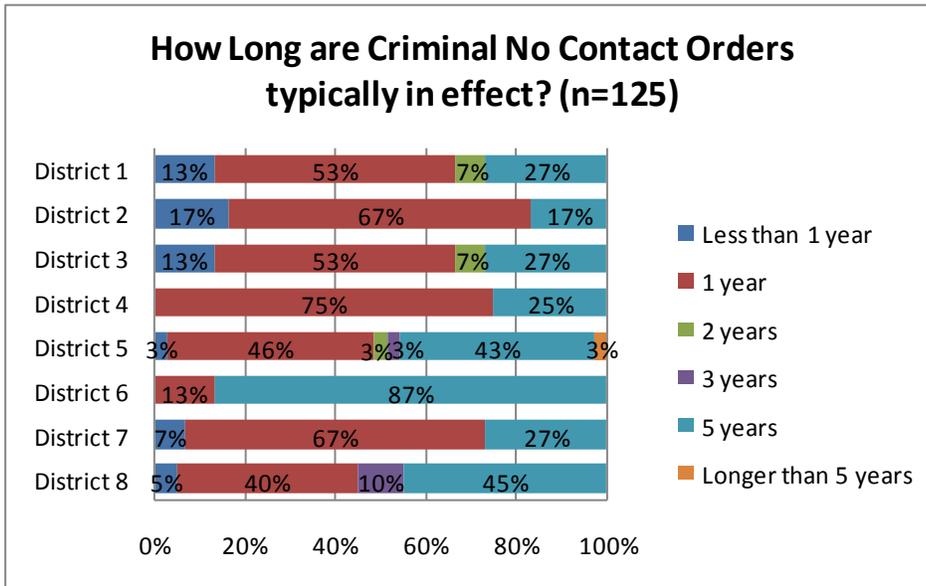
contact orders involving the same victim and defendant are simultaneously in effect; and 74% agreed that legal professionals should use common terms to distinguish criminal and civil protective orders.



- Respondents indicated in the close-ended survey questions that there should be less variation across the state. This was also reflected in the comments of respondents who chose to submit comments on the survey, with many stating that there are inconsistencies across the counties. One respondent specifically mentioned differences in court practices in rural and urban counties. “Each of our counties in our district handle[s] them a bit differently. The largest county I serve treats all reports of civil violations to the local police as if they are civil in nature and no arrest occurs after a report is made. Only criminal no contact order violations are prosecuted by the county attorney. In the rural counties, all violations of orders, whether civil or criminal, are prosecuted as criminal by the county attorneys. There is no consistency between the counties I serve.”
- Respondents also reported differences in the magistrates’ and judges’ involvement in sentencing contact order violations, with several commenting that they had limited choice in how a case was sentenced (most depends on the charges that county prosecutors and law enforcement decide to file), and another indicating that the decision primarily falls on the judge, who should not be making those decisions.

Contact Orders & Violations: Judicial District Variations in Court Practices

Among the districts, District 4 was the most likely to issue criminal no contact orders that were effective for one year (75% of respondents marked that response). Generally, it appears that Districts 1, 2, 3, and 7 issue shorter-term no contact orders. District 6 was by far the most likely to issue orders that were effective for 5 years (indicated by 87% of respondents).



Compared to the other districts, Districts 1 and 3 were more likely to use the criminal simple misdemeanor charge for criminal no contact order violations (67% and 73% used it often or very often, respectively). Districts 3 and 4 had the highest percentages of respondents who said that contempt of court charges were used often or very often for criminal no contact order violations (40% and 50%, respectively).

"Often" or "Very Often" used for a charging a CRIMINAL NO CONTACT ORDER violation? (n=117)				
	N	Civil Contempt (664A.7)	Criminal Simple Misdemeanor (664A.7)	Contempt of Court (665.2)
District 1	12	33%	67%	8%
District 2	5	40%	40%	0%
District 3	15	7%	73%	40%
District 4	4	50%	100%	50%
District 5	34	41%	41%	29%
District 6	15	40%	40%	33%
District 7	14	21%	57%	29%
District 8	18	28%	56%	17%

Districts 5 and 7 were most likely among the districts to issue civil contempt charges for civil protective order violations (62% and 50% used it often or very often, respectively). District 4 was most likely to issue criminal simple misdemeanor charges (75%); however the number of respondents from that district was small. Respondents in District 7 were most likely to report using contempt of court charges (36%).

“Often” or “Very Often” used for a charging a CIVIL PROTECTIVE ORDER violation? (n=117)				
	N	Civil Contempt (664A.7)	Criminal Simple Misdemeanor (664A.7)	Contempt of Court (665.2)
District 1	12	17%		
District 2	5	40%	20%	
District 3	15	27%	20%	27%
District 4	4	25%	75%	25%
District 5	34	62%	15%	29%
District 6	15	33%	20%	27%
District 7	14	50%	29%	36%
District 8	18	28%	22%	6%

Respondents were asked about the amount of jail time contact order violators typically receive if they are charged with civil contempt. For the first violation, nearly all respondents said that offenders receive one week or less in jail. The exception was in Districts 5 and 8 – one respondent in each district reported that first time violators with civil contempt charges received 2 weeks in jail, and another respondent in District 5 reported “more than one month” of jail time.

When asked how much jail time offenders with multiple violations of contact order receive if they are charged with civil contempt, time served varied by district. Higher percentages of respondents in District 7 (71%), District 5 (63%), and District 8 (56%) reported that offenders serve “one month or more” of jail time. Higher percentages of respondents in District 2 (60%) and District 4 (67%) said that offenders serve “one week or less,” however the number of respondents from the latter district was low.

Jail Time for Multiple Violations of Civil Contempt Charges					
	N	1 week or Less	2 weeks	3 weeks	1 month or More
District 1	10	20%	20%	20%	40%
District 2	5	60%	40%		
District 3	14	21%	21%	14%	43%
District 4	3	67%			33%
District 5	32	16%	9%	13%	63%
District 6	13	15%	15%	15%	54%
District 7	14	14%	7%	7%	71%
District 8	16	19%	25%		56%

Respondents were asked the same question about the amount of jail time contact order violators typically receive if they are charged with criminal simple misdemeanor. For the first violation, nearly all respondents said that offenders receive one week or less in jail. The exception was in Districts 3, 5, and 8 – one respondent in each district reported that first time violators with civil contempt charges received 2 weeks in jail.

When asked how much jail time offenders with multiple violations of contact order receive if they are charged with criminal simple misdemeanor, time served varied by district. Higher percentages of respondents in District 7 (71%), District 5 (66%), District 4 (67%), and District 1 (50%) reported that offenders serve “one month or more” of jail time. It appears that District 2 generally gives less jail time for multiple offenses, as all five respondents said that offenders receive two weeks or less.

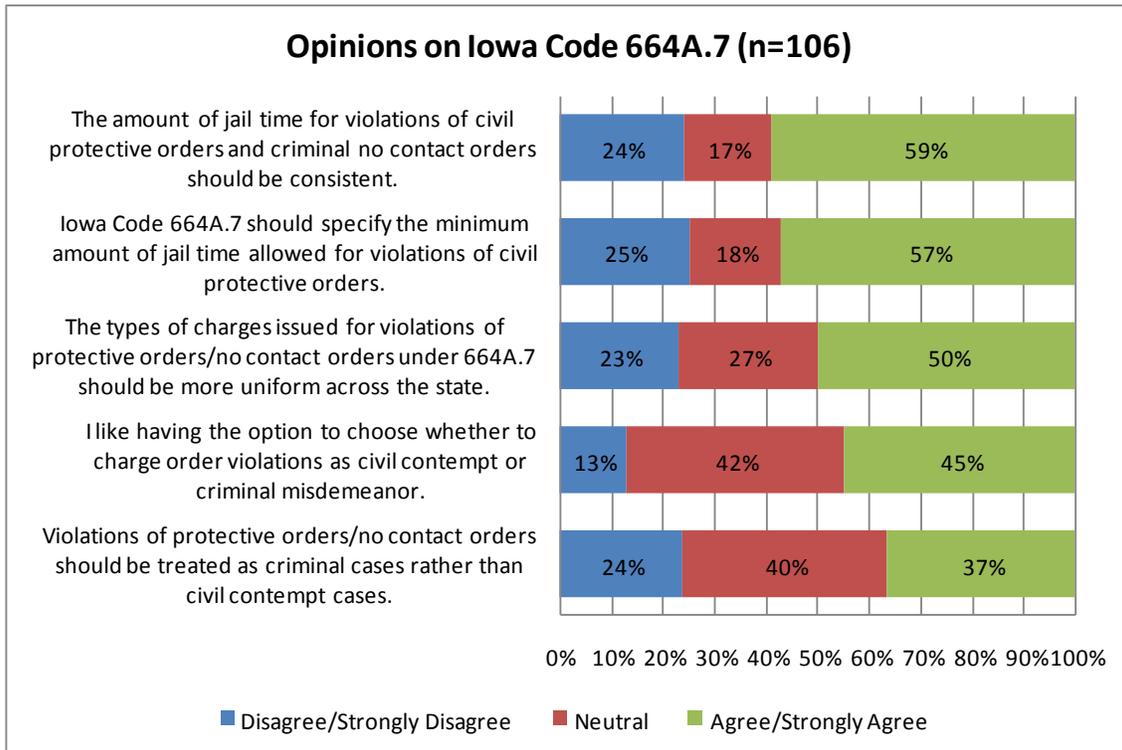
Jail Time for Multiple Violations of Criminal Simple Misdemeanor Charges					
	N	1 week or Less	2 weeks	3 weeks	1 month or More
District 1	10	10%	20%	20%	50%
District 2	5	40%	60%		
District 3	14	14%	29%	14%	43%
District 4	3	33%			67%
District 5	32	9%	13%	13%	66%
District 6	13	15%	23%	15%	46%
District 7	14	7%	14%	7%	71%
District 8	16	31%	25%		44%

The following table provides the percentages of respondents in each district who indicated that Batterers Education Program (BEP) is frequently or almost always recommended in various situations. There remains great variation among the districts, however.

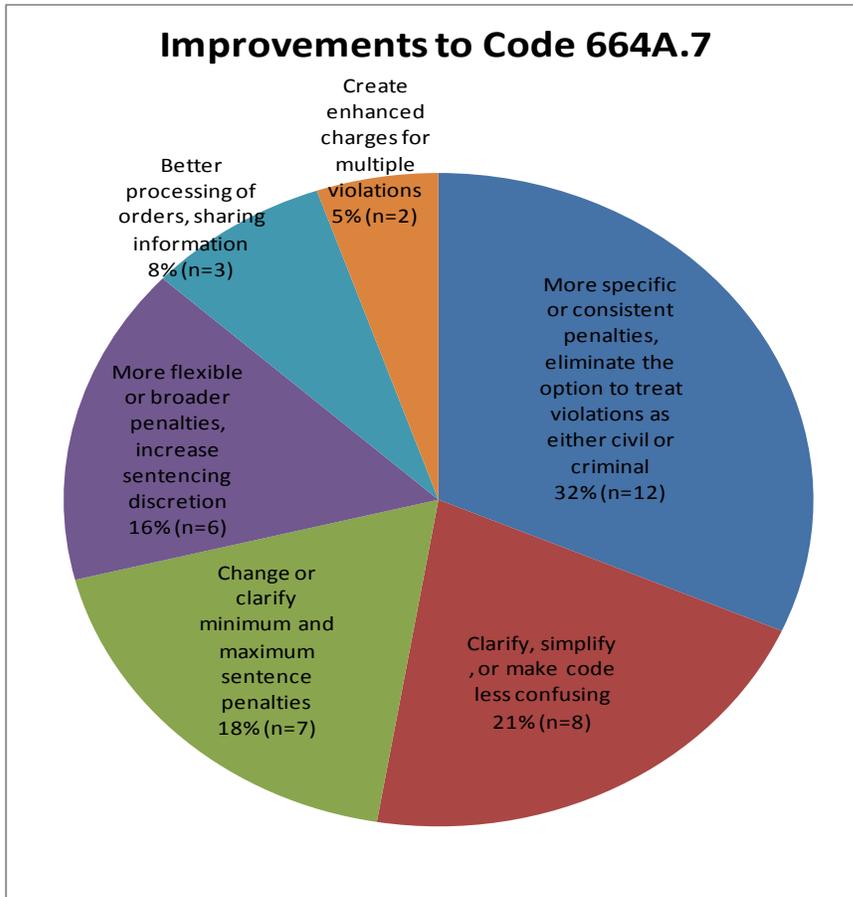
Percentage of respondents indicating that the following occurs “Frequently” or “Almost Always” (n=106)						
	N	Probation is recommended for protective order violators.	BEP is recommended for domestic abuse assault convictions.	BEP is recommended for guilty pleas for reduced charges.	BEP is recommended as a condition of probation.	BEP is recommended for simple assault convictions.
District 1	10	20%	90%	20%	80%	20%
District 2	5	40%	100%	80%	100%	80%
District 3	14	21%	100%	50%	93%	71%
District 4	3	33%	100%	100%	67%	100%
District 5	31	19%	90%	68%	94%	68%
District 6	13	23%	100%	23%	77%	62%
District 7	14	36%	93%	57%	86%	43%
District 8	16	25%	100%	75%	100%	63%

Opinions on Improvements to Current Iowa Code 664A.7

- The majority of respondents appear to be content with current Iowa Code 664A.7. Seventy-three percent agreed or strongly agreed that the sentencing options allowed under the current code are effective in dealing with domestic abuser who violate protective orders. Sixty-two percent agreed or strongly agreed that the current code protects victims. Only 13% disagreed.
- Opinions differed on aspects of Code 664A.7 that could potentially be changed.



- When asked whether Code 664A.7 should be changed, opinions were mixed. Forty-seven percent of respondents were uncertain, 25% replied negatively, and 28% said yes.
- Respondents who agreed that 664A.7 should be changed were asked to write comments about how the code could be improved. The pie chart, below, lists the major themes of their comments for potential improvements and the number of times those comments were mentioned by participants.



Victim Issues:

In the open-ended portion of the survey, four respondents mentioned concerns about victims’ involvement and safety. Two indicated abuses of the system, saying that victims are overly dependent on the courts to protect them and that some contact order violations occur when victims themselves initiate contact with the offender. Two other respondents mentioned strategies to improve victim safety. One said that the county attorney’s office should prosecute civil protective orders as well as criminal no contact orders to make victims more comfortable, while another said that filing criminal charges is important for victim safety because there is better documentation of criminal charges.

Data Analysis

Overview of Iowa Domestic Abuse Charges and Convictions

The following information was obtained through Iowa court records using the Iowa Justice Data Warehouse.

Statewide, there were approximately 7,700 domestic abuse charges under Iowa Code 708.2A in calendar year 2009. Of those, 1,826 were convicted as charged on the domestic abuse convictions. The most typical charge was a serious misdemeanor, with 43% of charges falling in that offense class. Offenders were least likely to be convicted as charged on D felonies (10% were convicted as charged); however, approximately 25% of charges for other offense classes resulted in a conviction as charged.

Statewide Domestic Abuse (708.2A) Charges & Convictions Disposition CY 2009				
	Charges	Any Conviction	Convicted as Charged	% Convicted as Charged
D Felony	379	244	39	10.3%
AG Misdemeanor	1,181	692	315	26.7%
SR Misdemeanor	3,266	1749	776	23.8%
SM Misdemeanor	2,847	1328	696	24.4%
Total	7,673	4013	1,826	23.8%

In CY 2009, approximately 24,400 orders of protection were filed, of which about 17,500 were related to domestic abuse cases. No contact orders were most common, representing 65% of all orders filed and about 51% of domestic abuse-related orders. Protective orders were least common, representing only 13% of all orders and 18% of domestic abuse orders.

Statewide Contact Orders Cases Filed CY 2009				
	All Cases		Domestic Abuse Cases	
No Contact	15,764	64.6%	8,934	51.2%
Protective	3,213	13.2%	3,124	17.9%
Temporary Protective	5,435	22.3%	5,390	30.9%
Total	24,412	100%	17,448	100%

There were about 4,200 charges for violations of orders of protections statewide in CY 2009. Approximately 2,200 charges were 664A.7 charges related to domestic abuse cases and approximately 3,000 charges were 664A.7 and 665.2 charges related to domestic abuse cases. About 87% of charges for violations of domestic abuse-related orders were charged as contempt. Approximately half of misdemeanor and contempt charges resulted in a conviction as charged.

Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009			
	<i>Charges</i>	<i>Convicted as Charged</i>	<i>% Convicted as Charged</i>
All Cases (664A.7)			
SM Misdemeanor	1,567	690	44.0%
Contempt	2,620	1,233	47.1%
Total	4,187	1,923	45.9%
Domestic Abuse Cases (664A.7)			
SM Misdemeanor	284	148	52.1%
Contempt	1,885	887	47.1%
Total	2,169	1,035	47.7%
Domestic Abuse Cases (664A.7 & 665.2)			
SM Misdemeanor	284	148	52.1%
Contempt	2,710	1,415	52.2%
Total	2,994	1,563	52.2%

Few harassment and stalking charges and convictions were issued statewide in CY 2009, and even fewer involved domestic abuse.

Statewide Harassment and Stalking Charges & Convictions Disposition Date Calendar Year 2009			
	<i>Charges</i>	<i>Convicted as Charged</i>	<i>% Convicted as Charged</i>
All Cases			
Harassment	2,621	1,223	46.7%
Stalking	79	18	22.8%
Domestic Abuse Cases			
Harassment	266	96	36.1%
Stalking	2	1	50.0%

Iowa Domestic Abuse Charges and Convictions by Judicial District

The following tables provide data by judicial district for the number of protective/no contact orders issued, and the total number of charges and resulting convictions on those charges. Appendix B provides additional judicial district data separated by each offense class of charges and convictions as well as information on the type of contact order.

Judicial District: Statewide Domestic Abuse (708.2A) Charges & Convictions Disposition Date CY 2009			
	Charges	Convicted as Charged	% Convicted as Charged
District 1	887	367	41.4%
District 2	910	217	23.8%
District 3	836	206	24.6%
District 4	558	41	7.3%
District 5	1,829	351	19.2%
District 6	968	246	25.4%
District 7	1,037	243	23.4%
District 8	648	155	23.9%

Judicial District: Statewide Contact Orders Cases Filed CY 2009		
	All Case Contact Orders	Domestic Abuse Case Contact Orders
District 1	2,317	1,636
District 2	2,566	1,753
District 3	2,237	1,582
District 4	1,405	1,116
District 5	8,011	5,231
District 6	3,271	2,695
District 7	2,222	1,900
District 8	2,383	1,535

Judicial District: Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009									
	All Cases			Domestic Abuse Cases (664A.7)			Domestic Abuse Cases (664A.7 & 665.2)		
	Charges	Convicted as Charged	% Convicted as Charged	Charges	Convicted as Charged	% Convicted as Charged	Charges	Convicted as Charged	% Convicted as Charged
District 1	574	316	55.1%	345	187	54.2%	478	236	49.4%
District 2	552	221	40.0%	231	104	45.0%	348	171	49.1%
District 3	511	218	42.7%	195	92	47.2%	345	192	55.7%
District 4	189	49	25.9%	70	19	27.1%	91	27	29.7%
District 5	957	418	43.7%	475	217	45.7%	494	232	47.0%
District 6	514	201	39.1%	414	159	38.4%	669	345	51.6%
District 7	386	234	60.6%	268	156	58.2%	282	168	59.6%
District 8	504	266	52.8%	171	101	59.1%	287	192	66.9%

Judicial District: Statewide Harassment and Stalking Charges & Convictions Disposition Date CY 2009							
		<i>All Cases</i>			<i>Domestic Abuse Cases</i>		
		Charges	Convicted as Charged	% Convicted as Charged	Charges	Convicted as Charged	% Convicted as Charged
District 1	Harassment	282	174	61.7%	30	11	36.7%
	Stalking	9	4	44.4%	1	1	100.0%
District 2	Harassment	384	173	45.1%	21	4	19.0%
	Stalking	14	2	14.3%	0	0	
District 3	Harassment	258	116	45.0%	25	7	28.0%
	Stalking	4	1	25.0%	0	0	
District 4	Harassment	208	68	32.7%	13	4	30.8%
	Stalking	1	0	0.0%	0	0	
District 5	Harassment	727	265	36.5%	76	15	19.7%
	Stalking	25	6	24.0%	1	0	0.0%
District 6	Harassment	240	139	57.9%	74	46	62.2%
	Stalking	6	0	0.0%	0	0	
District 7	Harassment	160	98	61.3%	0	0	
	Stalking	8	3	37.5%	0	0	
District 8	Harassment	362	190	52.5%	27	9	33.3%
	Stalking	12	2	16.7%	0	0	

Cohort & Data Collection Methods

Using court records from Iowa Court Information System obtained through the Iowa Justice Data Warehouse, the cohort included defendants with active domestic abuse-related contact orders filed against them in the first half of calendar year 2009 (January 1, 2009 to June 30, 2009). Cases with scheduled violations, other violations, or unknown violations as well as duplicate cases and cases where offenders' personal information was missing were omitted from the database. From the original list of approximately 8,400 cases with domestic abuse contact orders in the first half of calendar year 2009, a random sample of 800 offenders was drawn. The sample was determined to be representative of the original list in terms of district, sex, race, and type of contact order. After validating the data set and ensuring that offenders were only listed in the cohort one time, that all the offenders were *defendants* in domestic violence cases, and that the permanent orders (in cases starting with temporary orders) were issued within the first half of CY2009, the total number of offenders in the sample cohort was 768.

Information was collected on active contact order(s) against the offenders in the cohort within the study's timeframe. If offenders had a temporary order and a no contact or protective order within the first half of calendar year 2009, the temporary order was omitted from the dataset. If offenders had multiple no contact or protective orders within the timeframe, only the earliest was kept.

The information on contact orders for the cohort was matched by offenders' names and dates of birth to all charges and convictions of violating a protective order, all domestic abuse assault charges and convictions, all stalking and harassment convictions, and other domestic abuse-related convictions. Appendix A lists the Iowa Code offenses for violations of protective orders, domestic abuse assault, stalking, and harassment included in this study. Data were obtained for any conviction with an offense date between the dates of January 1, 2009 through December 30, 2010, and conviction data were subsequently reviewed to ensure that the offense date (that lead to the conviction) occurred *after* the event date of the contact order for each offender in the dataset. Charge records did not indicate the date of the offense, so data were obtained for any charge with a disposition date between the dates of January 1, 2009 to March 31, 2011. Then, charges were matched to the convictions to determine the offense date. For charges that did not result in convictions, offense dates were obtained through the Iowa Justice Data Warehouse.

Weaknesses of Study:

- Complete information on the names of victims and the number of victims protected by a given order was not available in court records. There may be multiple victims protected in one case against the defendant.
- The unit of analysis for matching was offender information (name and date of birth) rather than court-assigned case ID number. It is difficult to track contact order cases over time, as violations of protective orders are sometimes treated as a new case separate from the original protective order case. Thus, in looking at offenders rather than cases, the study is able to determine if an offender violated a contact order without under-representing the violation rates. However, it should be noted that, in using this method, the dataset does not allow a determination of which particular contact order an offender violated, only that the offender violated some type of domestic abuse-related contact order. Some offenders had multiple no contact and/or protective orders within the study's time frame. Offenders with a contact order in the first half of calendar year 2009 were matched to any subsequent (664A.7) contempt charges and convictions.
- A small number of cases were missing data because the record was sealed from the public.
- As stated above, new case numbers are often initiated with new charges; therefore, reviewers were unable to directly associate a domestic abuse charge to a contact order violation in this study.
- Initially, contact order violations reviewed for this study included only charges and convictions of chapter 664A.7. Once the survey results were tabulated, it became apparent that many of the judicial districts were also utilizing chapter 665.2 to charge violations of contact orders. Since chapter 665.2 includes other contempt of court charges that may or may not be domestic abuse related, the reviewers only included those charges/convictions of chapter 665.2 that were case typed as domestic abuse. This may result in some violations of domestic abuse protective orders being omitted from the study.

Cohort Results

The data provided in this section include the 768 cohort members drawn from offenders with contact orders filed between January 1 and June 30, 2009. Subsequent charges and convictions, reviewed between January 1, 2009 and December 31, 2010, occurred after issuance of a contact order and all orders reviewed were associated with a domestic abuse related case. All data were obtained from the Iowa Justice Data Warehouse.

Due to the limitations of this study (discussed earlier) regarding the ability to link the specific domestic abuse charge to a contact order, the table below provides a summary of the number of offenders with domestic abuse convictions during the six-month period from which the cohort was drawn (January 1, 2009 and June 30, 2009). The table includes a unique count of offenders.

Domestic Abuse Convictions by District and Class (Jan-June 2009)

District	D Felony		Aggravated Misd		Serious Misd		Simple Misd		Total	
	N	%	N	%	N	%	N	%	N	%
1	10	4.2%	46	19.2%	129	54.0%	54	22.6%	239	17.3%
2	1	0.5%	37	20.2%	52	28.4%	93	50.8%	183	13.3%
3	3	1.9%	30	18.5%	41	25.3%	88	54.3%	162	11.7%
4	0	0.0%	3	10.3%	10	34.5%	16	55.2%	29	2.1%
5	1	0.3%	89	28.6%	112	36.0%	109	35.0%	311	22.5%
6	2	1.1%	49	27.1%	56	30.9%	74	40.9%	181	13.1%
7	3	1.9%	34	21.3%	49	30.6%	74	46.3%	160	11.6%
8	1	0.9%	15	13.0%	34	29.6%	65	56.5%	115	8.3%
Total	21	1.5%	303	22.0%	483	35.0%	573	41.5%	1,380	100.0%

The cohort, with 768 members, represents more than half of the number of offenders with domestic abuse convictions between January 1 and June 30, 2009.

Cohort Members District By Race

District	Caucasian		African-American		Hispanic		Native American		Asian		Other		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
1	68	78.2%	15	17.2%	2	2.3%	0	0.0%	0	0.0%	2	2.3%	87	11.3%
2	63	75.0%	11	13.1%	5	6.0%	0	0.0%	1	1.2%	4	4.8%	84	10.9%
3	51	70.8%	5	6.9%	9	12.5%	6	8.3%	0	0.0%	1	1.4%	72	9.4%
4	54	88.5%	4	6.6%	3	4.9%	0	0.0%	0	0.0%	0	0.0%	61	7.9%
5	141	75.8%	26	14.0%	16	8.6%	0	0.0%	2	1.1%	1	0.5%	186	24.2%
6	97	71.3%	35	25.7%	1	0.7%	2	1.5%	1	0.7%	0	0.0%	136	17.7%
7	55	64.0%	27	31.4%	4	4.7%	0	0.0%	0	0.0%	0	0.0%	86	11.2%
8	50	89.3%	5	8.9%	0	0.0%	0	0.0%	0	0.0%	1	1.8%	56	7.3%
Total	579	75.4%	128	16.7%	40	5.2%	8	1.0%	4	0.5%	9	1.2%	768	100.0%

Of the 768 cohort members, approximately 15% were female and the average age was 33.2 years. However, 40% of the members in this study were between 20 and 30 years of age.

The following table provides the type of order filed for each offender and includes the first order issued between January 1, 2009 and June 30, 2009. If a protective or no contact order was issued after a temporary order during this timeframe, the temporary order was deleted from the data set. Therefore, the temporary orders reported below represent cases where only a temporary order was issued during the six-month timeframe. It also must be noted that while only the earliest order is being reported, any offender may have had multiple orders. Some offenders may have had the same type of order issued multiple times either due to order extensions or multiple victims, while others may have had multiple types of orders issued depending upon circumstances of the case.

District By Order Type

District	Temporary		Protective		No Contact		Total	
	N	%	N	%	N	%	N	%
1	6	6.9%	18	20.7%	63	72.4%	87	11.3%
2	20	23.8%	14	16.7%	50	59.5%	84	10.9%
3	15	20.8%	11	15.3%	46	63.9%	72	9.4%
4	12	19.7%	13	21.3%	36	59.0%	61	7.9%
5	46	24.7%	39	21.0%	101	54.3%	186	24.2%
6	37	27.2%	19	14.0%	80	58.8%	136	17.7%
7	25	29.1%	32	37.2%	29	33.7%	86	11.2%
8	9	16.1%	9	16.1%	38	67.9%	56	7.3%
Total	170	22.1%	155	20.2%	443	57.7%	768	100.0%

As reported previously, there were approximately 4,200 violations of contact orders statewide during 2009, of which nearly half were associated with domestic abuse-related cases. The following are contact order violations for offenders in the cohort that occurred between the date the order was issued and December 31, 2010. All violations of chapter 664A.7 are included, but only those cases typed as domestic abuse are included for chapter 665.2. Any given offender may have had multiple violations during this timeframe; the first table below provides a unique count of violators, while the table following includes all violations. Note that not all offenders convicted of violation or contempt were charged as such.

Violations of Order - Unique Offender Count

District	Total Cohort	Charged		Convicted	
	N	N	%	N	%
1	87	18	20.7%	18	20.7%
2	84	23	27.4%	15	17.9%
3	72	15	20.8%	8	11.1%
4	61	12	19.7%	2	3.3%
5	186	36	19.4%	26	14.0%
6	136	39	28.7%	29	21.3%
7	86	21	24.4%	12	14.0%
8	56	17	30.4%	13	23.2%
Total	768	181	23.6%	123	16.0%

While various studies define violation rate in numerous ways, for this study the violation rate is defined as the percentage of unique violators convicted of a temporary, protective, or no contact order on either contempt or a simple misdemeanor violation. Therefore, **the violation rate in this study is 16.0%**.

Violations of Order - All Violations

District	Total Cohort	Total Charges		Total Convictions	
	N	N	%	N	%
1	87	31	35.6%	24	27.6%
2	84	35	41.7%	41	48.8%
3	72	24	33.3%	11	15.3%
4	61	16	26.2%	2	3.3%
5	186	66	35.5%	39	21.0%
6	136	91	66.9%	43	31.6%
7	86	37	43.0%	19	22.1%
8	56	33	58.9%	18	32.1%
Total	768	333	43.4%	197	25.7%

The 123 unique offenders had a total of 197 convicted violations of contact order/contempt. Of these, 85 offenders were convicted once and 38 offenders were convicted multiple times ranging from two to 22 convictions during the time period reviewed. Of those who violated, 35% were minority, 6% were female, and the mean age was 33.5 years.

Violations by case type are convictions on violation of contact order that include each violator only once unless they violated multiple types of orders; they would then be included under each type of order violated.

There were five offenders with both a civil and criminal violation of order.

Violations of Order By Case Type

District	Civil Contempt		Criminal Misdemeanor		Contempt of Court		Total	
	N	%	N	%	N	%	N	%
1	9	47.4%	5	26.3%	5	26.3%	19	14.8%
2	3	18.8%	6	37.5%	7	43.8%	16	12.5%
3	5	62.5%	0	0.0%	3	37.5%	8	6.3%
4	0	0.0%	2	100.0%	0	0.0%	2	1.6%
5	18	69.2%	6	23.1%	2	7.7%	26	20.3%
6	20	69.0%	1	3.4%	8	27.6%	29	22.7%
7	11	84.6%	2	15.4%	0	0.0%	13	10.2%
8	6	40.0%	7	46.7%	2	13.3%	15	11.7%
Total	72	56.3%	29	22.7%	27	21.1%	128	100.0%

Violators Compared to Non-Violators

The following provides information regarding offenders with a protective or no contact order in place who did **not** violate their order. As noted above, of the 768 members of the cohort reviewed in this study, 123 (16%) were convicted of violating their contact order, with a remaining population of 672 (84%) who were not convicted of any contact order violations during the follow up period of January 1, 2009 through December 31, 2010.

African-Americans had the highest violation rate (24% compared to a 14% violation rate for Caucasians), and no contact orders were more frequently violated than protective or temporary orders. The following provides violation rate by district for cohort members and is a unique count of offenders.

No Violation vs. Convicted Violation of Orders - By District

District	Violation		No Violation		TOTAL	
	N	%	N	%	N	%
1	18	20.7%	69	79.3%	87	11.3%
2	15	17.9%	69	82.1%	84	10.9%
3	8	11.1%	64	88.9%	72	9.4%
4	2	3.3%	59	96.7%	61	7.9%
5	26	14.0%	160	86.0%	186	24.2%
6	29	21.3%	107	78.7%	136	17.7%
7	12	14.0%	74	86.0%	86	11.2%
8	13	23.2%	43	76.8%	56	7.3%
Total	123	16.0%	645	84.0%	768	100.0%

Subsequent Convictions

Also reviewed within this study were the subsequent domestic abuse-related convictions for offenders in the cohort. Specifically, convictions for domestic abuse assault, harassment, and stalking that occurred after issuance of the contact order were reviewed for both offenders convicted of violating a contact order and those that were not. Due to low counts, numbers are not represented by district.

Subsequent Convictions by Offense Type (Unique Count)

	Violation		No Violation		TOTAL	
	N	%	N	%	N	%
Domestic Abuse	22	51.2%	21	48.8%	43	35.8%
Harassment	6	42.9%	8	57.1%	14	11.7%
Stalking	1	50.0%	1	50.0%	2	1.7%
Other Domestic	31	50.8%	30	49.2%	61	50.8%
Total	60	50.0%	60	50.0%	120	100.0%

**Other Domestic included mostly violations of probation*

Counts in the above table are unique counts of convictions by category. For example, an offender convicted of domestic abuse assault multiple times would be included only once under domestic abuse; however, if he/she were also convicted of harassment he/she would be counted once under each category. Of the 768 cohort members, 120 (15.6%) were subsequently *convicted* of a domestic abuse-related offense. While the above table includes convictions, disposed charges were also reviewed. Of the total cohort, 153 offenders (19.9%) were subsequently *charged* with a domestic abuse-related offense.

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Appendix A: Iowa Code Chapters included in Study

Charge Code	Stat Year	Description	Charge Class	Offense Type	Offense Subtype
Violation of Contact Order					
664A.7(1)	2006	CONTEMPT-VIOLATION OF NO CONTACT OR PROTECTIVE ORDER	CNTM	PUBLIC ORDER	OTHER PUB ORD
664A.7(4)	2006	DNU - VIOLATION OF NO CONTACT OR PROTECTIVE ORDER	SMMS	PUBLIC ORDER	OTHER PUB ORD
664A.7(4)-CNTM	2006	DNU - CONTEMPT - VIOLATION OF NO CONTACT OR PROT ORDER	CNTM	PUBLIC ORDER	OTHER PUB ORD
664A.7(5)	2010	VIOLATION OF NO CONTACT OR PROTECTIVE ORDER	SMMS	PUBLIC ORDER	OTHER PUB ORD
664A.7(5)-CNTM	2010	CONTEMPT - VIOLATION OF NO CONTACT OR PROTECTIVE ORDER	CNTM	PUBLIC ORDER	OTHER PUB ORD
Contempt of Court (Potential Charges Entered for Violations of Contact Order)					
665.2(1)	2005	CONTEMPT-CONTEMPTUOUS BEHAVIOR TOWARD COURT	CNTM	PUBLIC ORDER	OTHER PUB ORD
665.2(2)	2005	CONTEMPT-WILLFUL DISTURBANCE TO DISRUPT PROCEEDINGS	CNTM	PUBLIC ORDER	OTHER PUB ORD
665.2(3)	2005	CONTEMPT-ILLEGAL RESISTANCE TO ORDER OR PROCESS	CNTM	PUBLIC ORDER	OTHER PUB ORD
665.2(4)	2005	CONTEMPT-DISOBEDIENCE TO SUBPOENA/REFUSAL TO TESTIFY	CNTM	PUBLIC ORDER	OTHER PUB ORD
665.2(5)	2005	CONTEMPT-UNLAWFULLY DETAINING WITNESS OR EVADING SERVICE	CNTM	PUBLIC ORDER	OTHER PUB ORD
665.2(6)	2005	CONTEMPT-ANY OTHER ACT OR OMISSION DECLARED A CONTEMPT	CNTM	PUBLIC ORDER	OTHER PUB ORD
Domestic Abuse					
708.2A(2)(A)	1992	DOMESTIC ABUSE ASSAULT	SMMS	VIOLENT	ASSAULT
708.2A(2)(B)	1992	DNU - DOMESTIC ABUSE ASSAULT W/O INTENT CAUSING INJURY	SRMS	VIOLENT	ASSAULT
708.2A(2)(B)	2007	DOMESTIC ABUSE ASSAULT CAUSE BODILY INJURY/MENTL ILLNSS	SRMS	VIOLENT	ASSAULT
708.2A(2)(C)	1992	DOMESTIC ABUSE ASSAULT W/INTENT OR DISPLAYS A WEAPON	AGMS	VIOLENT	ASSAULT
708.2A(3)(A)	1997	DOMESTIC ABUSE ASSAULT - 2ND OFFENSE	SRMS	VIOLENT	ASSAULT
708.2A(3)(A)	1992	DNU - DOMESTIC ABUSE ASSAULT ENHANCED(SUBSEQ OFFENSES)	SRMS	VIOLENT	ASSAULT
708.2A(3)(B)	1992	DNU - DOMESTIC ABUSE (SUBSEQUENT OFFENSES)	AGMS	VIOLENT	ASSAULT
708.2A(3)(B)	1997	DOMESTIC ABUSE ASSAULT - 2ND OFFENSE	AGMS	VIOLENT	ASSAULT
708.2A(4)	1996	DOMESTIC ABUSE ASSAULT - 3RD OR SUBSEQUENT OFFENSE	FELD	VIOLENT	ASSAULT
Harassment					
708.7(1)(A)	1992	DNU - HARASSMENT BY COMMUNICATION	SMMS	VIOLENT	ASSAULT
708.7(1)(a)(1)	2003	HARASSMENT BY COMMUNICATION	SMMS	VIOLENT	ASSAULT
708.7(1)(a)(2)	2003	HARASSMENT BY SIMULATED EXPLOSIVE DEVICE	SMMS	VIOLENT	ASSAULT
708.7(1)(a)(3)	2003	HARASSMENT BY COMMERCIAL TRANSACTION	SMMS	VIOLENT	ASSAULT
708.7(1)(a)(4)	2003	HARASSMENT BY FALSE REPORT	SMMS	VIOLENT	ASSAULT
708.7(1)(b)	2003	HARASSMENT BY PERSONAL CONTACT	SMMS	VIOLENT	ASSAULT
708.7(1)(B)	1992	DNU - HARASSMENT BY EXPLOSIVE DEVICE	SMMS	VIOLENT	ASSAULT

708.7(1)(B)	1997	DNU - HARASSMENT BY SIMULATED EXPLOSIVE DEVICE	SMMS	VIOLENT	ASSAULT
708.7(1)(C)	1992	DNU - HARASSMENT BY COMMERCIAL TRANSACTION	SMMS	VIOLENT	ASSAULT
708.7(1)(D)	1992	DNU - HARASSMENT BY FALSE REPORT	SMMS	VIOLENT	ASSAULT
708.7(2)	1992	HARASSMENT / 1ST DEG. - 1989	AGMS	VIOLENT	ASSAULT
708.7(3)	1992	HARASSMENT / 2ND DEG. - 1989	SRMS	VIOLENT	ASSAULT
708.7(4)	1992	HARASSMENT / 3RD DEG. - 1989	SMMS	VIOLENT	ASSAULT
708.7-2	1992	DNU - HARASSMENT - 1978	SMMS	VIOLENT	ASSAULT
Stalking					
708.11(2)(A)	1992	DNU - STALKING 3RD OF SUBSEQUENT OFFENSE	FELD	VIOLENT	ASSAULT
708.11(2)(B)	1992	DNU - STALKING 2ND OFFENSE	AGMS	VIOLENT	ASSAULT
708.11(2)(C)	1992	DNU - STALKING 1ST OFFENSE	SRMS	VIOLENT	ASSAULT
708.11(2)(D)	1992	DNU - STALKING 1ST OFFENSE	SMMS	VIOLENT	ASSAULT
708.11(3)(a)	1994	STALKING - 3RD OR SUBSEQUENT OFFENSE	FELC	VIOLENT	ASSAULT
708.11(3)(b)	1994	DNU - STALKING - 2ND OFFENSE AND OTHERS	FELD	VIOLENT	ASSAULT
708.11(3)(b)(1)	2008	STALKING - VIOLATION OF PROTECTIVE ORDER	FELD	VIOLENT	ASSAULT
708.11(3)(b)(2)	2008	STALKING - DANGEROUS WEAPON	FELD	VIOLENT	ASSAULT
708.11(3)(b)(3)	2008	STALKING - PERSON UNDER 18 YEARS OF AGE	FELD	VIOLENT	ASSAULT
708.11(3)(b)(4)	2008	STALKING - 2ND OFFENSE	FELD	VIOLENT	ASSAULT
708.11(3)(c)	1994	STALKING - 1ST OFFENSE	AGMS	VIOLENT	ASSAULT

Appendix B: Judicial District Data

Judicial District: Statewide Domestic abuse (708.2A) Charges & Convictions Disposition Date CY 2009				
		Charges	Convicted as Charged	% Convicted as Charged
District 1	D Felony	60	18	30.0%
	AG Misdemeanor	133	56	42.1%
	SR Misdemeanor	442	213	48.2%
	SM Misdemeanor	252	80	31.7%
	Total	887	367	41.4%
District 2	D Felony	46	5	10.9%
	AG Misdemeanor	130	28	21.5%
	SR Misdemeanor	371	85	22.9%
	SM Misdemeanor	363	99	27.3%
	Total	910	217	23.8%
District 3	D Felony	32	4	12.5%
	AG Misdemeanor	91	31	34.1%
	SR Misdemeanor	217	60	27.6%
	SM Misdemeanor	496	111	22.4%
	Total	836	206	24.6%
District 4	D Felony	6	1	16.7%
	AG Misdemeanor	79	4	5.1%
	SR Misdemeanor	330	21	6.4%
	SM Misdemeanor	143	15	10.5%
	Total	558	41	7.3%
District 5	D Felony	95	1	1.1%
	AG Misdemeanor	445	103	23.1%
	SR Misdemeanor	789	156	19.8%
	SM Misdemeanor	500	91	18.2%
	Total	1,829	351	19.2%
District 6	D Felony	89	6	6.7%
	AG Misdemeanor	130	40	30.8%
	SR Misdemeanor	434	99	22.8%
	SM Misdemeanor	315	101	32.1%
	Total	968	246	25.4%
District 7	D Felony	30	4	13.3%
	AG Misdemeanor	97	33	34.0%
	SR Misdemeanor	414	84	20.3%
	SM Misdemeanor	496	122	24.6%
	Total	1,037	243	23.4%
District 8	D Felony	21	0	0.0%
	AG Misdemeanor	76	20	26.3%
	SR Misdemeanor	269	58	21.6%
	SM Misdemeanor	282	77	27.3%
	Total	648	155	23.9%

Judicial District: Statewide Contact Orders Cases Filed CY 2009					
		<i>All Cases</i>		<i>Domestic Abuse Cases</i>	
District 1	No Contact	1488	64.2%	861	52.6%
	Protective	431	18.6%	377	23.0%
	Temporary Protective	398	17.2%	398	24.3%
	Total	2317	100.0%	1636	100.0%
District 2	No Contact	1722	67.1%	925	52.8%
	Protective	281	11.0%	273	15.6%
	Temporary Protective	563	21.9%	555	31.7%
	Total	2566	100.0%	1753	100.0%
District 3	No Contact	1486	66.4%	844	53.4%
	Protective	242	10.8%	237	15.0%
	Temporary Protective	509	22.8%	501	31.7%
	Total	2237	100.0%	1582	100.0%
District 4	No Contact	802	57.1%	520	46.6%
	Protective	202	14.4%	198	17.7%
	Temporary Protective	401	28.5%	398	35.7%
	Total	1405	100.0%	1116	100.0%
District 5	No Contact	5804	72.5%	3045	58.2%
	Protective	744	9.3%	739	14.1%
	Temporary Protective	1463	18.3%	1447	27.7%
	Total	8011	100.0%	5231	100.0%
District 6	No Contact	1882	57.5%	1312	48.7%
	Protective	613	18.7%	609	22.6%
	Temporary Protective	776	23.7%	774	28.7%
	Total	3271	100.0%	2695	100.0%
District 7	No Contact	828	37.3%	513	27.0%
	Protective	499	22.5%	494	26.0%
	Temporary Protective	895	40.3%	893	47.0%
	Total	2222	100.0%	1900	100.0%
District 8	No Contact	1752	73.5%	914	59.5%
	Protective	201	8.4%	197	12.8%
	Temporary Protective	430	18.0%	424	27.6%
	Total	2383	100.0%	1535	100.0%

Judicial District: Statewide Violation of Contact Order Charges & Convictions Disposition Date CY 2009										
		<i>All Cases</i>			<i>Domestic Abuse Cases (664A.7)</i>			<i>Domestic Abuse Cases (664A.7 & 665.2)</i>		
		Charges	Convicted as Charged	% Convicted as Charged	Charges	Convicted as Charged	% Convicted as Charged	Charges	Convicted as Charged	% Convicted as Charged
District 1	SM Misdemeanor	180	99	55.0%	75	47	62.7%	75	47	62.7%
	Contempt	394	217	55.1%	270	140	51.9%	403	189	46.9%
	Total	574	316	55.1%	345	187	54.2%	478	236	49.4%
District 2	SM Misdemeanor	205	98	47.8%	30	19	63.3%	30	19	63.3%
	Contempt	347	123	35.4%	201	85	42.3%	318	152	47.8%
	Total	552	221	40.0%	231	104	45.0%	348	171	49.1%
District 3	SM Misdemeanor	303	123	40.6%	54	28	51.9%	54	28	51.9%
	Contempt	208	95	45.7%	141	64	45.4%	291	164	56.4%
	Total	511	218	42.7%	195	92	47.2%	345	192	55.7%
District 4	SM Misdemeanor	139	34	24.5%	30	6	20.0%	30	6	20.0%
	Contempt	50	15	30.0%	40	13	32.5%	61	21	34.4%
	Total	189	49	25.9%	70	19	27.1%	91	27	29.7%
District 5	SM Misdemeanor	353	143	40.5%	41	20	48.8%	41	20	48.8%
	Contempt	604	275	45.5%	434	197	45.4%	453	212	46.8%
	Total	957	418	43.7%	475	217	45.7%	494	232	47.0%
District 6	SM Misdemeanor	32	13	40.6%	8	4	50.0%	8	4	50.0%
	Contempt	482	188	39.0%	406	155	38.2%	661	341	51.6%
	Total	514	201	39.1%	414	159	38.4%	669	345	51.6%
District 7	SM Misdemeanor	86	56	65.1%	15	9	60.0%	15	9	60.0%
	Contempt	300	178	59.3%	253	147	58.1%	267	159	59.6%
	Total	386	234	60.6%	268	156	58.2%	282	168	59.6%
District 8	SM Misdemeanor	269	124	46.1%	31	15	48.4%	31	15	48.4%
	Contempt	235	142	60.4%	140	86	61.4%	256	177	69.1%
	Total	504	266	52.8%	171	101	59.1%	287	192	66.9%