

REPORT OF THE

PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

Submitted to the Iowa Legislative Council
and the Members of the
Second Session of the Sixty-fourth General Assembly

PROGRESS REPORT
OF THE
PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE
1971

House Concurrent Resolution 22, adopted by the House of Representatives in the First Regular Session of the Sixty-fourth General Assembly, requested that the Legislative Council establish a study committee to conduct a comprehensive study of the penal and correctional system in Iowa. The Legislative Council created a seventeen member study committee and appointed the following legislative membership:

Senator R. Dean Arbuckle
Senator Gene W. Glenn
Senator Gene V. Kennedy
Senator Clifton C. Lamborn
Senator Ralph W. Potter
Representative Perry L. Christensen
Representative Donald V. Doyle
Representative E. Kevin Kelly
Representative Harold C. McCormick
Representative Barton L. Schwieger

The Legislative Council appointed the following citizen members:

Mr. Joseph DeRaad
Mr. Oscar Jones
Mr. Dewey Landeck
Professor James McCue

The Legislative Council provided that the inmates at the Anamosa Men's Reformatory, the Iowa State Penitentiary, and the Women's Reformatory should be represented on the Committee and that such representatives should be selected by the inmates of the three institutions. The inmates selected the following Committee members:

Mr. Gary Shay
Mr. Jan Hollins
Mrs. Oneda Mitchell

The Committee organizational meeting was held on August 25, 1971, with Senator Clifton Lamborn serving as temporary chairman. The Committee elected Senator Lamborn as permanent Committee Chairman and Representative Donald Doyle as Vice Chairman.

Committee meetings were staffed by Mr. Donald Hoskins, Legal Counsel, Legislative Service Bureau, and Mrs. Jeanne Miller, Research Analyst, Legislative Service Bureau. Mr. Dan Smith, Iowa Crime Commission, served as liaison for the Committee and the Iowa Crime Commission.

At the first Committee meeting the Committee met with Mr. Nolan Ellandson, Director, Bureau of Adult Corrections, Department of Social Services. Mr. Ellandson gave the Committee his ideas and suggestions and comments in the area of Iowa's penal and correctional system.

The Committee's second, third, and fifth meetings were held at the Iowa State Penitentiary, the Anamosa Men's Reformatory, and the Women's Reformatory, respectively. The meetings at these institutions were held according to the following format:

1. A morning tour of the institution's facilities.
2. Lunch at the institution's dining facilities.
3. An afternoon discussion panel with six to eight inmates of the institution. For the purpose of providing an atmosphere conducive to free and open discussion between Committee members and members of the inmate panel the discussions were held with members of the press and members of the institution's staff excluded. At the Ft. Madison panel discussion two staff correctional officers were present for security reasons, however following the meeting the Committee determined that this procedure was not necessary and would not be followed in the future.
4. An afternoon discussion with six to eight middle line staff personnel with members of the press and upper level staff personnel excluded for the purpose of providing an atmosphere conducive to free and open discussion.
5. A short meeting with the head of the institution and Mr. Nolan Ellandson, Director of the Bureau of Adult Correction.

At the Committee's fourth meeting the Committee met with Mr. George Paul, Chairman, Iowa Board of Parole, Mr. Silas Ewing, member, Iowa Board of Parole, Mr. Jack Bedell, member, Iowa Board of Parole, Mr. John Walton, Parole and Probation Administrator, Mr. Fred Struck, Director of Parole and Probation Services.

The Committee discussed with those present the nature of parole and probation in Iowa. The Committee discussed with the members of the Board of Parole twenty-four issues and questions outlined in a memorandum to the Committee prepared by the Legislative Service Bureau from a review of the issues raised by the inmate and staff panels at the Ft. Madison and Anamosa Institutions.

At the Committee's sixth meeting the Committee met with supervisors of halfway houses, supervisors of the work release programs at the institutions, and a representative of the American Association of University Women. The persons in attendance informed the Committee of the nature of their programs and the Committee discussed with those present the problems, trends, and possible improvements in the programs. The Committee was informed by the representative of the American Association of University

Women of the nature of a study being conducted by this group of the women's penal and correctional system in Iowa.

At the Committee's seventh meeting the Committee toured the security medical facility at Oakdale and a halfway house in Iowa City. Before and during the tours the Committee discussed the facilities and programs with the staff. On the second day of this meeting the Committee met at Clinton and Dubuque, Iowa, for the purpose of comparing one of the state's oldest county jails to one of the state's newest county-city jail facilities. At this meeting the Committee met with the county sheriffs and members of the county board of supervisors.

Recommendations

Although the Committee is not scheduled to make a final report until January of 1973, the Committee has completed the first phase of its study and is able to make some important recommendations deserving of prompt consideration by the General Assembly and administrative personnel of the penal and correctional system of Iowa. The recommendations, which follow, have been divided into administrative and legislative recommendations in order to designate those recommendations which do not require legislation:

A. Administrative Recommendations:

The Committee recommends that the Department of Social Services apply for, on a priority basis, the Iowa Crime Commission sub-grants available for the hiring of additional counselors and parole agents.

B. The Committee recommends the following legislative actions:

1. Remove the requirement in the work release law that inmates granted work release will be housed at the institution or a local confinement facility when the place of employment is not within reasonable proximity to the institution.

The recommended change would not require any change in present practice but would allow the establishment of halfway houses in or near the cities where penal institutions are located.

2. Amend the work release law to provide for inmate participation after work and under the supervision of a responsible person in activities which will facilitate the transition from institution to community.

Amend the furlough law to provide for furloughs to participate in programs and activities that serve rehabilitative objectives.

These recommendations authorize what had until recently been the practice in Iowa. The Department of Social Services recently determined that present law does not allow it to provide for supervised work release activities or furloughs for activities that serve rehabilitative objectives.

3. Amend the board of parole statutes to provide:

a. Authority to hire an executive secretary.

b. Authority to hire two employees to serve as liaisons between the board, institutional staff, and inmates.

Presently the Board of Parole is without an executive secretary. The late Mr. Russel Bobzin, former executive secretary to the parole board, was an employee of the Department of Social Services on assignment to the parole board. Until a recent statutory change the parole board had employees at the institutions who could keep the staff and inmates informed of parole board policy.

4. Amend the work release law to provide that the work release committee shall have one member who is a member of the Board of Parole or its designee and one member who is a representative of the division of corrections.

Present law provides for a three-member committee designated by Department of Social Services and consisting of one representative of the parole board, one representative of the division of rehabilitative services and one representative of the institution where the inmate is confined.

The division of rehabilitative services is a misnomer and should be division of corrections.

Presently the Board of Parole representative is usually a staff member of the institution. If the Board of Parole is authorized employees, a board member or an employee could be the parole board representative on the committee and thereby maintain the tripartite representation intended by the statute.

5. Amend the parole statute to remove the prohibition against time served on parole counting against an inmate's sentence if the parole is revoked.

Present law causes some inmates to refuse parole, serve out their sentences and be discharged without any supervision or gradual transition back into the community. The inmates fear they will fail their parole in the final months and be returned to the institution with the remainder of their sentence undiminished by the several months served on parole.

6. Amend House File 289, now pending in the Senate, to provide that loans may be made to inmates on work release and inmates who are discharged.

The Committee found that some inmates have insufficient funds to see them through the first week or two until they start to receive paychecks from their employer. This lack of funds can cause a dischargee to commit crimes in order to have funds to live on.

The Legislative Service Bureau has been instructed to prepare bill drafts on the legislative recommendations of the Committee and to submit the bill drafts to the Committee for final review prior to the second regular session of the Sixty-fourth General Assembly.