



The Division of Criminal and Juvenile Justice Planning

Data, Research, Policy, and Collaboration

January 27, 2021

Justice System Appropriations Subcommittee

Budget Presentation

Iowa Department of Human Rights,
Division of Criminal and Juvenile
Justice Planning

Statistical Analysis Center

Steve Michael, Administrator

321 E. 12th Street

Des Moines, IA 50319

(515) 242-5823

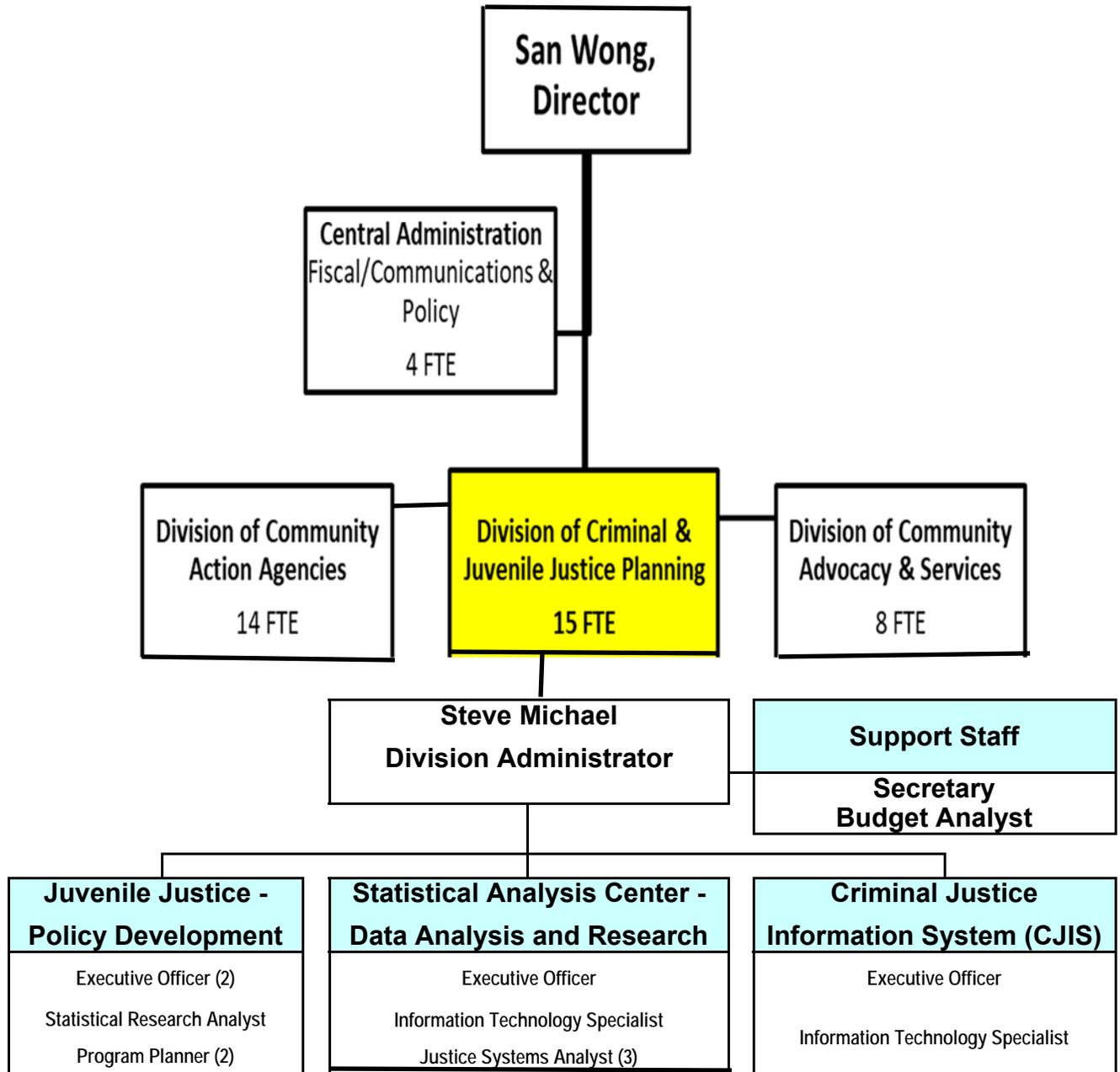
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Iowa Department of Human Rights

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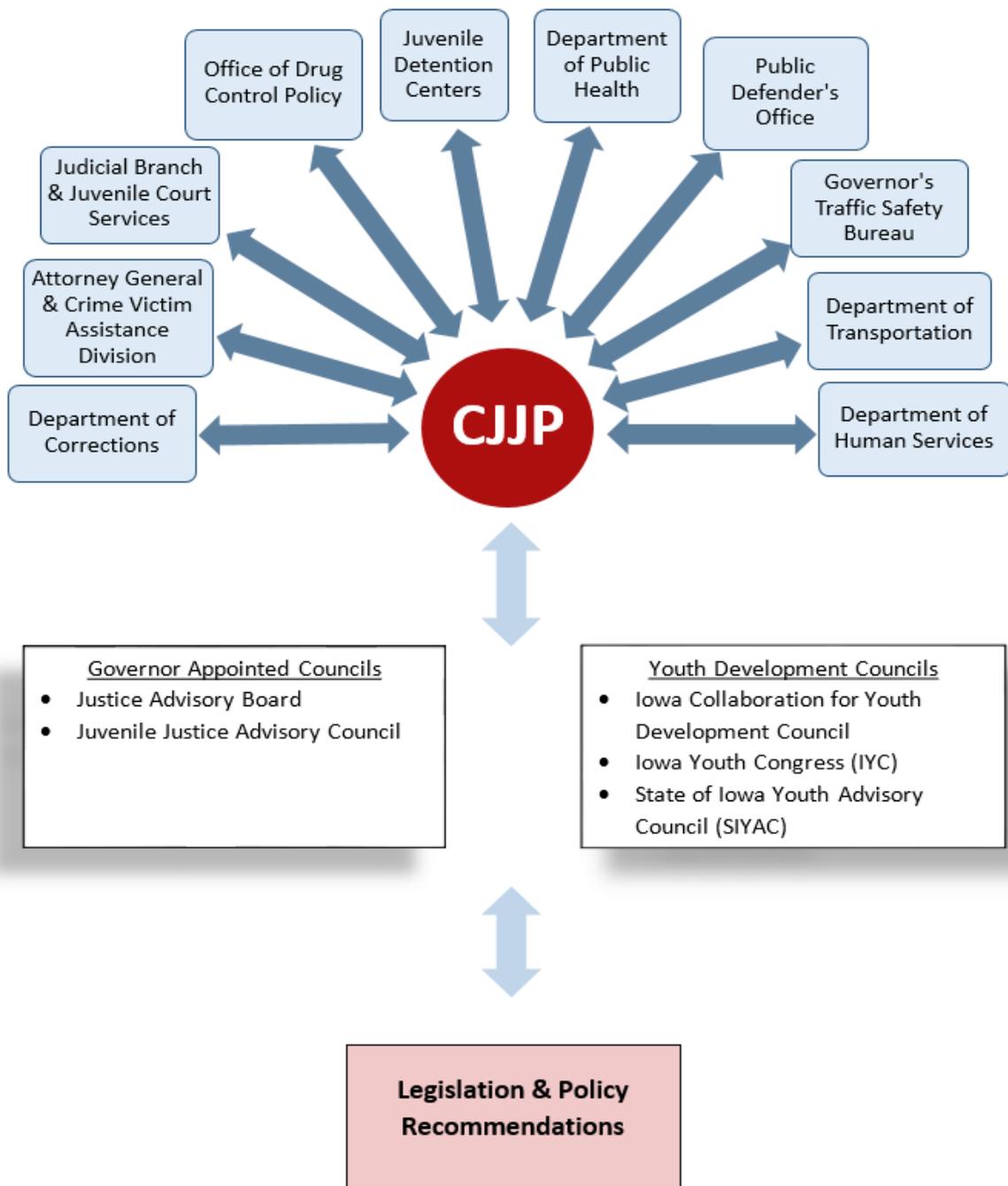
Table of Organization



Overview of CJJP

The Iowa Department of Human Rights (DHR) includes three divisions: the Division of Criminal and Juvenile Justice Planning (CJJP), the Division of Community Advocacy and Services (CAS), and the Division of Community Action Agencies (CAA), as established under Iowa Code Chapter 216A.

CJJP is Iowa's Statistical Analysis Center (SAC) and carries out research, policy & data analysis, and program development to assist policy makers, justice system agencies, and others to identify issues of concern and to improve the operation and effectiveness of Iowa's justice system. CJJP also administers federal and state grant programs to fund local and state projects to improve Iowa's justice system.



Budget

General Fund (GF) Appropriation and Governor's Request

	FY2020	Appropriated FY2021	Governor's Recommendation FY2022
Criminal and Juvenile Justice Planning (CJJP)	\$1,226,399	\$1,226,399	\$1,226,399
Juvenile Justice Early Intervention (Single Grant)	\$140,000	\$140,000	\$140,000

The table below shows actual CJJP expenses in FY2020 along with the source of funds. The federal support allows CJJP to provide funding for innovative research and evaluation initiatives and services to local justice system agencies. CJJP also provides technical assistance, fiscal and programmatic oversight, and management of the projects.

Actual FY2020 Expenses and Sources

	General Fund	Federal	State and private agencies	*Information Systems	Total
CJJP Resources	\$1,226,399	\$900,703	\$473,006	\$1,506,331	\$4,106,439
Juvenile Justice Early Intervention Grant	\$53,998				\$53,998

*Includes Criminal Justice Information System and Justice Data Warehouse expenditures appropriated by Technology Reinvestment Fund.

POTENTIAL NEW DUTIES:

FOCUS Committee on Criminal Justice Reform Recommendations—New duties for CJJP—Additional \$100,000 needed to complete the tasks—Not in Appropriation

On October 29, 2020, recommendations of the Governor's FOCUS Committee's on Criminal Justice Reform were presented to Governor Reynolds. If the recommendations become law, CJJP will require additional staff time to complete the following new activities:

- Analyze and study law enforcement traffic stop data
- Establish uniform reporting practices for the data
- Organize and coordinate the Community Policing Subcommittee of the Justice Advisory Board
- Provide an annual report, which will include current and past information on profiling across the state, and making policy recommendations for the elimination of profiling.

Data Management

Justice Data Warehouse (JDW)

The JDW is a central repository of key criminal and juvenile justice information. Two main sources of information in the warehouse are the Judicial Branch Case Management system and the Iowa Corrections Offender Network (ICON).

The overall mission of the JDW is to provide the judicial, legislative, and executive branches of state government and other entities with improved statistical and decision support information pertaining to justice system activities. For purposes of administration relating to Iowa's court system, Iowa's 99 counties are organized into eight judicial districts. Presently all eight judicial districts are entering and utilizing information from each of these districts is available for analysis from the JDW.

Easy Access

CJJP developed the Iowa Easy Access (EZA) to provide public access to multiple years of aggregate adult court charges/convictions and, key juvenile court decision points; including information by district, county, age, sex, and race.

Adult: <https://disposedcharges.iowa.gov/>

Juvenile: <https://juvenilecourtstats.iowa.gov/>

Juvenile Justice Decision Matrix

A structured decision making tool that allows the user to see the level of supervision and services that has been most successful with youth based on historical data.

Criminal Justice Information System (CJIS)

CJIS integrates and shares information among Iowa's justice agencies in a seamless, real-time, secure manner. CJIS makes state, county, and local agencies more effective and efficient, and better able to serve the public.

CJIS has expanded its reach to benefit all 99 counties, and transmits data between the Judicial Branch, DOC, DOT, DPS, DNR, DHS, Secretary of State, Attorney General, and 61 county attorney offices.

CJIS performs over 400,000 information exchanges per month.



Standardized Program Evaluation Protocol (SPEP)

SPEP is a standardized method of evaluating juvenile justice services that also provides a program improvement plan that will assist in reducing recidivism.

Coupled with the pilot Decision Matrix, the SPEP will eventually be fully integrated, providing guidance not only about the level of supervision and service indicated for any given youth, but also which existing service of that type is shown to be likely to reduce recidivism. Both tools make use of the Iowa Delinquency Assessment, Iowa's validated risk/needs assessment instrument which has been operational since 2007 and is used to determine youth risk level as well as to assist with case planning.

Research & Analysis Capabilities

Research Evaluation and Analysis Services

CJJP carries out various research regarding criminal and juvenile justice issues as Iowa's Statistical Analysis Center. CJJP provides high-quality research and expertise to inform policy, practice, and decision making at the state, local and federal levels.

Program Evaluation - Program evaluation is a method for collecting, analyzing, and using information to assess projects, policies, and programs for their effectiveness and efficiency in following a set model or procedures. CJJP performs process, outcomes, and data evaluability assessments to evaluate programs.

Trend Analysis - Trend analysis is used to collect information on current and historical data to spot a pattern and in some cases predict future outcomes. CJJP utilizes trend analysis to monitor changes in charging and convicting practices, correctional and community based supervision populations, and the correctional and racial impact of some legislation.

Policy Evaluation - Policy evaluation is used to examine the implementation, content, and/or impact of a policy. CJJP performs policy evaluation by examining the correctional, racial, and fiscal impact of proposed legislation.

Forecasting - Forecasting is a technique that utilizes historical and current data to analyze trends and make informed estimates in determining the direction of future trends. CJJP utilizes forecasting analysis to project Iowa's prison population which is important to mitigate any increases observed in Iowa's prisons.

Mapping - Mapping is the graphical representation of a procedure, process, structure, or system that depicts arrangement of and relationships among its different components. CJJP staff have been trained in using ArcGIS, a geographic mapping tool, used for analysis and the review of patterns and trends and how location may impact public safety, services, etc.

Future services and activities CJJP could offer:

Data
Visualization



Predictive
Analytics



Enhanced Mapping
Capabilities



Cost
Analysis



Criminal & Juvenile Policy

Partnering with Department of Corrections (DOC)

- ⇒ CJJP is studying the current climate and culture at the Iowa Correctional Institution for Women to:
 - Better understand prison environments and enhance prisons' data collection capacities;
 - Implement, evidence-based programs and policies to improve conditions for individuals incarcerated in and working in prisons.
- ⇒ CJJP is conducting a program and outcome evaluation of DOC's Registered Apprenticeship Programs. The program provides meaningful on-the-job instruction and training to assist in obtain meaningful employment upon reentry from an institution.

Juvenile Justice 3-Year Plan

The Juvenile Justice Advisory Council develops a 3-year plan to guide funding to improve the juvenile justice system and provide services for juvenile offenders. Priority areas for the next 3-years include:

- Reduction in the disproportionality of minority youth in the system.
- Female equity requiring adequate level of care for girls. in the system.
- Prevention and Intervention—Expand early intervention and Pre-Charge Diversion programs.
- Mental Health—Collect data to determine the need for mental health, substance abuse, and family therapy for youth in the juvenile justice system.
- Youth transitioning from the Juvenile Justice system—
 - ⇒ Transition plans for youth returning home from placement.
 - ⇒ Extend juvenile court jurisdiction to 21 years of age.

Racial Disparities—An Analysis of Three Decision Points in Iowa's Juvenile Justice System

CJJP has compiled data and research to identify areas of racial disparities in Iowa's juvenile justice system and to recommend systemic changes that are necessary to eliminate these disparities.

- In 2019, African-American youth, aged 10-17, were 6.5 times more likely to enter the juvenile justice system for simple misdemeanor offenses compared to White youth.
- Between 2015 and 2019, African-American youth placed in juvenile detention for probation violations increased 31.0% while White youth decreased by 28.4%.

The following statements utilized Iowa's 10-17 youth population for analysis and include 2015-2019 data:

- African-American youth were 9.8 times more likely to have their case waived to adult court compared to White youth.
- African-American youth were 14.3 times more likely to be direct filed compared to White youth.

Systemic changes require coordinated efforts from all three branches of government to achieve reductions of these disparities and improve the juvenile justice system.

Recommendations include:

- Establish pre-charge diversion programs for all juveniles with first-time simple misdemeanor offenses.
- Eliminate the use of detention placement for juvenile offenders who violate probation.
- Juvenile court jurisdiction of a juvenile is able to be extended by the Juvenile Court until the youth is 21 years of age.

Future Visions & Enhanced Activities

CJJP's Purpose

Improve the criminal and juvenile justice systems by assisting state and local officials and practitioners identify and address justice issues through research, data and policy analysis, planning and grant administration. As the Statistical Analysis Center, CJJP utilizes data, research and technology to develop justice system policy recommendations.

Present Activities

CJJP always explores new, smarter, and better ways to provide these services:

- Partnerships with each justice system agency
- Collect and analyze data
- Develop policy and service recommendations
- Conduct studies and research
- Youth Leadership and Advocacy Training

Future

Remain on the cutting edge of research, information, and data technology:

- Predictive Analytics
- Expanded use of evidence-based programs and services for offenders
- Expansion of real-time data exchanges (CJIS)
- Cost Analysis
- User-friendly data and information—Dashboards and Mapping
- Availability of quality and effective services
- Enhanced service matching with risk level and criminogenic needs validated assessments
- Expand youth / adult partnerships in state government and local entities.

Results

CJJP will continue to find smarter ways of doing business. The “Future” activities will ensure the results will be:

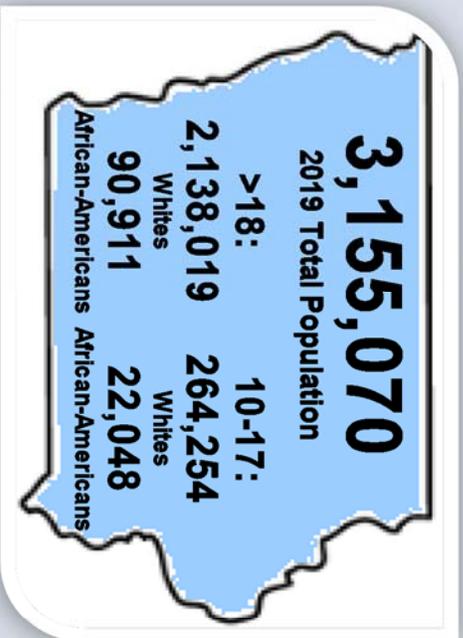
- Public Safety – Reduced recidivism
- System improvement through policy and practice changes
- Quality services available for all offenders – *the right person, receive the right service, at the right time*
- Data-driven decision making
- Easy to understand data – Infographs, dashboards, mapping
- Increased efficiencies in court document processing



Iowa's Racial Disparities in the Justice System

"We have not done enough to advance racial equity through our work, and we will do more."
- Council of State Governments, 2020.

Our hope is that every person in Iowa will embrace this statement and work together to do more.



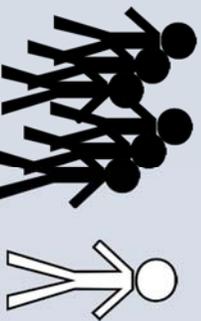
Juvenile Data CY 2019

Complaints

*A-A youth were nearly

6 TIMES

more likely to receive a complaint compared to *W youth.



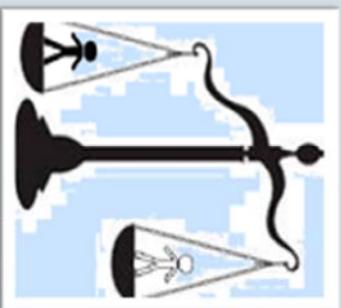
Technical Violations

*A-A youth comprise **6.7%** of Iowa's population, **34.3%** of all detention holds and **41.8%** of holds for technical violations.

Adult Data CY 2019

Disposed Charges

Statewide, for every 1,000 *W, there are **50.4** felony or misdemeanor disposed charges, compared to **309.9** for every 1,000 *A-A.



Convictions

*A-A adults were **6.2 TIMES** more likely to receive a felony or misdemeanor conviction compared to *W adults.

Population Source : <https://www.ojdp.gov/ojstatb/ezapop/>

Source Complaints, Violations, Charges and Convictions: Iowa Justice Data Warehouse

*African-American (A-A) Whites (W)



Four-Year Graduation Rate by Student Subgroup

	Class of 2011	Class of 2016	Class of 2017	Class of 2018	Class of 2019	Comparison 2011-19
All	88.3%	91.3%	91.0%	91.4%	91.6%	3.3%
Individualized Education Program	69.9%	69.5%	74.2%	76.5%	76.1%	6.2%
Low Socioeconomic Status	78.1%	83.9%	83.7%	84.4%	85.2%	7.1%
English Learners	70.0%	80.8%	80.3%	79.3%	78.8%	8.8%
African American	73.2%	79.7%	82.3%	81.3%	81.6%	8.4%
American Indian	79.2%	80.6%	83.3%	75.6%	77.3%	-1.9%
Asian	88.5%	91.5%	92.5%	92.5%	92.3%	3.8%
Hawaiian/Pacific Islander	81.6%	88.1%	77.5%	75.3%	77.0%	-4.6%
Hispanic	75.2%	84.5%	82.4%	83.9%	84.5%	9.3%
Multi-racial	82.0%	83.9%	85.2%	87.7%	88.3%	6.3%
White	90.2%	92.9%	92.7%	93.2%	93.3%	3.1%

Individualized Education Program: Students who participate in special education programs

English Learners: Students whose native language is not English and participate in an English Learners program

Low Socio-economic Status: Students who are eligible for free and reduced-price meals

Multi-Racial: Non-Hispanic students identified as more than one race



CJJP is adopting the following statement from the Council of State Governments Justice Center, issued following George Floyd's death:

“We have not done enough to advance racial equality through our work, and we will do more.”

If not now, when? If not us, who?



JUSTICE ADVISORY BOARD

Three-Year Criminal and Juvenile Justice Plan

Executive Summary

Iowa Department of Human
Rights – Division of Criminal
and Juvenile Justice Planning

Statistical Analysis Center
Steve Michael, Administrator
321 E. 12th Street
Des Moines, IA 50319
(515) 242-5823
<https://humanrights.iowa.gov>

December 1, 2020



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2020 JUSTICE ADVISORY BOARD

Three-Year Criminal and Juvenile Justice Plan

Executive Summary

In 2019, the Legislature passed House File (HF) 634 that established the Justice Advisory Board (JAB) in the Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP). The JAB is required, per Iowa Code §216A.135, to develop and submit a plan and report to the Legislature and Governor.

The three-year criminal and juvenile justice plan, developed by the JAB, identifies the following priorities, goals, and recommendations, which are described in the full report with specific action steps. Achieving the goals will require coordinated efforts from multiple justice entities and the legislature.

1. Racial Justice

Goals:

- a. End racial profiling
- b. Eliminate racial disparities to create an unbiased juvenile and adult criminal justice system
- c. Eliminate disparities in excessive use of force and death in custody

Recommendations:

- Collect and analyze data to identify racial profiling and disparities in the juvenile and criminal justice systems
- Review and consider correctional and racial impact statements on legislation, prior to passage, to identify any impact on the prison population and racial disparity
- Ban racial profiling
- Correct identified systemic disparities in the justice system, including:
 - Entry into the system - Provide pre-charge opportunities for low-risk juvenile and adult offenders
 - Pre-trial release – Provide alternatives to bonds and pre-trial services for adults and detention alternatives for juveniles
 - Reduce juvenile offenders prosecuted as adults - Modify the Iowa code and enhance funding for juvenile offender services

2. Mental Health

Goals:

- a. Identify offenders who need mental health care and provide appropriate services and placement in the juvenile and criminal justice systems
- b. Provide safe treatment and living conditions for those with mental health needs in the juvenile and criminal justice system

Recommendations:

- Standardize mental health screening tools to enhance early intervention and diversion strategies for juvenile and adult offenders (e.g. crisis intervention teams, tele-health, available in-patient treatment, mental health courts)
- Provide effective mental health treatment and medications for incarcerated offenders and transition plans as offenders reenter the community

3. Community-based corrections and alternatives to incarceration

Goals:

- a. Reduce entry to prison
- b. Reduce revocations to prison
- c. Increase the use of effective treatment courts
- d. Document lessons-learned from COVID-19

Recommendations:

- Enhance community-based correctional services to include additional alternatives to prison (e.g. restorative justice and treatment courts)
- Review changes due to COVID and public safety

4. Sex offenders

Goals:

- a. Examine the effectiveness of the special sentence
- b. Examine technical violations
- c. Examine the efficacy of sex offender residency restrictions
- d. Support survivors / victims

Recommendations:

- Determine the effectiveness of the Special Sentence supervision and residency restrictions in reducing sex offenses
- Provide promising practices to support victims/survivors of sex offenses

The JAB will also be studying changes to the justice system as a result of the COVID-19 pandemic and identify modifications that have positive short- and long-term effects.

The JAB has selected the existing Juvenile Justice Advisory Council (JJAC) to serve as the juvenile justice system subcommittee, required by §216A.137.2. The JJAC also completes a three-year plan that is submitted to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The JJAC has tentatively identified priority areas on juvenile justice. There is overlap in some of the priorities (racial justice, mental health, and waiving juveniles to adult court). The JAB and JJAC will work together to accomplish those common goals and action steps.

The JAB recognizes that to achieve the identified goals and recommendations will require coordinated efforts from all three branches of government. The JAB and CJJP staff will partner with policy makers and assist in implementing the recommendations

Juvenile Justice Priorities and Goals

In addition, the JAB has selected the existing Juvenile Justice Advisory Council (JJAC) to serve as the juvenile justice system subcommittee, required by §216A.137.2. The JJAC completes a three-year plan, which is submitted to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The JJAC has tentatively identified juvenile justice priority areas and goals for federal fiscal years 2022-2024. There is overlap in some of the priorities and the JAB and JJAC will work together to accomplish those specific goals and action steps. There will also be updates from the JJAC during JAB meetings.

The JJAC has currently drafted the following five priorities and a set of goals for each priority. A final draft will be finalized and approved by the JJAC at a later date.

Priority 1: Prevention and Intervention

Goal 1: Identify, inventory, and study prevention programs for youth who are not involved in the juvenile justice system that are effective, with the goal of determining how to further their success.

Goal 2: Expand early intervention and Pre-Charge Diversion (PCD) programs. The Disproportionate Minority Contact (DMC) Subcommittee of the JJAC has assisted in developing PCD in three communities, with favorable outcomes.

Priority 2: Mental Health

Goal 1: Determine the need for mental health, substance abuse, and family therapy services for juvenile offenders.

Goal 2: Collect data to analyze ongoing needs for services and to measure success.

Priority 3: Transition of Youth

Goal 1: For juveniles involved in the juvenile court system, allow the court to extend jurisdiction up to the age of 21 years of age.

Goal 2: Study effective community-based and residential rehabilitative models to provide the appropriate level of care for moderate and high-risk offenders, up to the age of 21 years of age.

Goal 3: Do not allow juvenile offenders to be waived to adult court except for youth alleged to committing felony offenses.

Goal 4: Standardize juvenile reentry best practices.

Priority 4: Female Equity

Goal 1: To ensure that a female and racial equity lens is intentionally used in all areas, train the JJAC and service providers on female and racial equity.

Goal 2: Provide an adequate level of care for high-risk girls in the juvenile justice system.

Priority 5: Disproportionate Minority Contact

Goal 1: Minimize system contact for low risk youth of color by developing formal state-wide diversion opportunities at early juvenile justice system processing.

Goal 2: Formalize collaboration with Iowa Task Force for Young Women.

Goal 3: Investigate issues regarding refugee and immigrant youth with the intent of informing and educating juvenile court officers and judges.

Goal 4: Research and affect change for high-risk youth of color eligible for State Training School (STS) placement according to Iowa Code Section 232.52 (2).



Racial Disparities – An Analysis of Three Decision Points in Iowa’s Juvenile Justice System

The Three Decision Points:

- Initial Referral to Juvenile Court Services Page 3
- Juvenile Offenders in Detention for Probation Violations Page 6
- Juvenile Offenders Being Prosecuted as Adults Page 9

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Steve Michael, Administrator
321 E. 12th Street
Des Moines, IA 50319
(515) 242-5823
<https://humanrights.iowa.gov>

October, 2020

Multiple CJJP staff, each with unique expertise in research, data, and juvenile justice policy, joined forces to compile the necessary elements for this comprehensive report.



Racial Disparities – An Analysis of Three Decision Points in Iowa’s Juvenile Justice System

Introduction / Background

The Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) has compiled data and research to identify areas of racial and ethnic disparities in Iowa’s juvenile justice system and to recommend systemic changes that are necessary to eliminate these disparities. Systemic changes require multiple agencies to have active roles in making the change.

These recommendations are based on national research, data analysis of youth in Iowa’s juvenile justice system, and findings from Iowa’s Juvenile Justice System Improvement Plan¹, developed in 2017. In addition, the Juvenile Justice Advisory Council (JJAC), and Disproportionate Minority Contact Subcommittee have grappled with these issues for many years.

CJJP is adopting the following statement from the Council of State Governments Justice Center, issued following George Floyd’s death:

“We have not done enough to advance racial equality through our work, and we will do more.”

Our hope is that every person in Iowa will embrace this statement and work together to do more.

Identifying the Problem

Iowa’s data illustrates racial disparities throughout multiple decision points in the juvenile justice system. Three major decision points have been examined and summarized:

- Initial referral to Juvenile Court Services
- Juvenile Offenders in Detention for Probation Violations
- Juvenile offenders being prosecuted as adults

Each of these decision points were examined and researched, and based on the data and information, recommendations are made with specific action steps to enact the required changes.

In Brief

- In 2019, African-American youth, aged 10-17, were 6.5 times more likely to enter the juvenile justice system for simple misdemeanor offenses compared to White youth.
- Between 2015 and 2019, African-American youth placed in juvenile detention for probation violations increased 31.0% while White youth decreased by 28.4%.

The following statements utilized Iowa’s 10-17 youth population for analysis and include 2015-2019 data:

- African-American youth were 9.8 times more likely to have their case waived to adult court compared to White youth.
- African-American youth were 14.3 times more likely to be direct filed compared to White youth.

The systemic changes recommended will require coordinated efforts from all three branches of government to achieve reductions of these disparities and improve the juvenile justice system. CJJP will partner with policy makers and assist in implementing the recommendations by providing technical assistance and any additional data and information.

¹ <https://humanrights.iowa.gov/cjip/juvenile-justice-system-improvement-smart-project>

Initial Referral to Juvenile Court Services

Current practice in Iowa is for all juvenile offenders to be referred to Juvenile Court Services (JCS) to complete an intake assessment and determine the youth's risk to the community, review evidence of the case, and if the youth is found to have committed a delinquent act, JCS develops necessary action steps to hold the youth accountable.

In SFY2018, all youth who were no risk or low risk, had a recidivism rate of 29.5%, White youth at 25.9% and African-American youth at 38.6%.

A few Iowa communities have created collaborative efforts to divert youth prior to being referred to JCS.

Pre-Charge Diversion (PCD) programs provide a standardized structure to keep low-risk youth out of the juvenile justice system and to ensure that all youth have equal access to the benefits of diversion for non-serious offenses (e.g. disorderly conduct, shoplifting, simple assault, interference with official acts). PCD programs forgo a referral to JCS and utilize immediate/direct referral of youth to diversion programs that hold youth accountable for the specific offense with no Juvenile Court Services involvement.

- PCD diversion programs in Davenport, Fort Dodge, and Iowa City are experiencing lower rates of recidivism (9.6%) than similar youth that have been referred to JCS (29.5%) for a first-time simple misdemeanor.²
- PCD programs are consistent with the 2017 National Council of Juvenile and Family Court Judges resolution that seeks approaches to incorporate knowledge on adolescent development and behavioral decision making.³

Analysis of Iowa data show (Figure 1 and Table 1, Source: Iowa Justice Data Warehouse):

- Allegations for Simple Misdemeanors for White youth were 43%, compared to 50% for African-American youth.
- All misdemeanors (simple, serious, and aggravated) comprised 77% of the allegations for White youth, compared to 81% for African-American youth.
- Pre-Charge recidivism rates for African-American are 15.8% compared to 5.7% for White youth.
- Recidivism for all youth who completed a Pre-Charge Diversion program in 2018 was 9.6%.
- Pre-charge recidivism rates for females was 8.5% and for males it was 11.1%.

Recommendation

- Establish pre-charge diversion programs for all juveniles with first-time simple misdemeanor offenses.

What will it take to make it happen?

Below are the necessary steps that must be taken to implement and sustain the recommendation.

- Replicate the existing PCD models in Iowa in additional communities.
- Utilize a uniform process to ensure all low-risk first-time offenders are referred to PCD.
- Collect PCD data for analysis by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning, and reporting to State Court Administration, the Governor, and the Iowa Legislature.
- Fund new PCDs.
- Enact legislation to require all youth be referred to a community-based PCD program for first-time simple misdemeanor offenses.

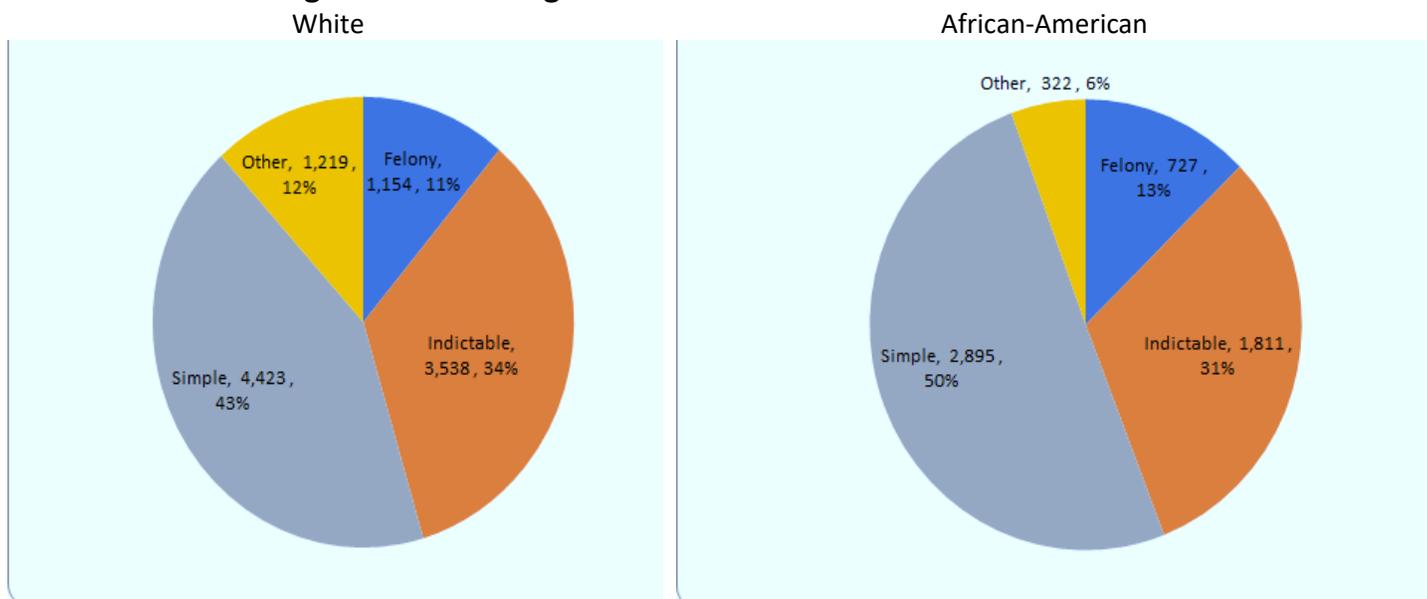
² Source, Iowa Justice Data Warehouse - In an effort to look at similarly situated youth in JCS, CJJP looked at youth with no short form risk assessment or a low risk assessment in SFY2018, and then ran one-year recidivism. The data for this group shows a recidivism rate of 29.5%, with White youth at 25.9% and African-Americans at 38.6%.

³ Ibid iii

Research

- The long-term consequences of youthful misbehavior for youth of color are numerous and oftentimes, extreme. Most young people are allowed to grow out of these behaviors without getting entangled in the justice system. However, youth of color are more likely to be arrested, prosecuted, sentenced, and incarcerated for these behaviors than are their White peers.⁴
- Pre-Charge Diversion is an effective strategy for low-risk youth to be held accountable and to reduce the overrepresentation of youth of color at the earliest stage of the juvenile justice system. This is particularly true, given that racial and ethnic disparities are often more pronounced for less serious offenses, which often entail a greater degree of officer discretion. For example, in a federally funded review of disparities in youth arrests, researchers found that “racial disparities were more pronounced for less serious offenses, (e.g., Bishop and Frazier, 1996), but after controlling for extralegal and case characteristics, were absent for more severe charges.”⁵
- There are fewer services available to meet the unique needs of female offenders that would reduce their juvenile justice system involvement.⁶
- National Council of Juvenile and Family Court Judges (NCJFCJ) research notes that surveillance-based juvenile probation approach of the past three decades has contributed to mass incarceration of youth, increases in recidivism rates, and high costs to taxpayers.⁷

Figure 1. 2019 Allegations to JCS – Calendar Year 2019



⁴ [Stemming the Rising Tide: Racial & Ethnic Disparities in Youth Incarceration & Strategies for Change, The W. Haywood Burns Institute for Justice, Fairness, and Equity, 2016](#)

⁵ [Racial and Ethnic Disparities in the Police Handling of Juvenile Arrests, National Criminal Justice Reference Service, Ronald E. Claus, Sarah Vidal, and Michele Harmon, Document No. 250804, June 2017](#)

⁶ [Iowa's Juvenile Justice System Improvement Planning Grant: Key Findings from System Analysis, 2017](#)

⁷ [Applying the National Council of Juvenile and Family Court Judges' Resolution to Juvenile Probation Reform, 2017](#)

Table 1. Pre-Charge Diversion One Year Recidivism Rates By Race / Ethnicity - SFY 2018

	Recidivism					
	No New Complaint within 1 year		New Complaint within 1 year		Total	
	N	%	N	%	N	%
White	33	94.3%	2	5.7%	35	100.0%
African-American	32	84.2%	6	15.8%	38	100.0%
Hispanic	7	100.0%	0	0.0%	7	100.0%
Other	2	100.0%	0	0.0%	2	100.0%
Missing	1	100.0%	0	0.0%	1	100.0%
Total	75	90.4%	8	9.6%	83	100.0%

Current PCD Efforts in Iowa that will contribute to implementing the recommendation

- State-Level CJP/JCS PCD web-application/recidivism tracking (two select Iowa Judicial Districts).
- A PCD structure is being implemented in Davenport and Iowa City. Those local models engage minority leaders, JCS, law enforcement, prosecutors, defense, and private youth serving agencies to work with youth in their schools and in their communities rather than arrest and refer them to JCS.
- A PCD Toolkit developed by the Center for Children’s Law and Policy.⁸

⁸ [Iowa Pre-Charge Diversion Toolkit, Center for Children’s Law and Policy, Jason Szanyi, 2018](#)

Juvenile Offenders in Detention for Probation Violations

Analysis of Iowa data show (2015 – 2019 - Figure 1, Tables 1 and 2; Source: Iowa Justice Data Warehouse)

- Probation violations for African-American youth increased 31.0% while White youth decreased by 28.4%.
- Probation violations account for 22.0% of juvenile detention holds.
- While African-American youth are approximately 6.3% of Iowa’s juvenile 10-17 year old population, they represent on average 35.8% of the youth detained for a probation violation.
- For youth held for a probation violation, 50.2% were released to ‘Home’. This was consistent for both males and females, while females were 1.5 times more likely to be released to shelter care than their male counterparts.

Recommendation

- Eliminate the use of detention placement for juvenile offenders who violate probation.

What will it take to make it happen?

Below are the necessary steps that must be taken to implement and sustain the recommendation.

- The Judicial Branch should incorporate practice change and eliminate placing youth in detention for violating probation.
- Allocate funding to implement effective community-based detention alternatives.
- Juvenile Court Services study national models of probation and develop tailored probation requirements based on individual risk factors and criminogenic needs, and include incentives.
- Annually collect and analyze juvenile detention data on technical violations and report to State Court Administration, the Governor, and the Iowa Legislature.
- Change Iowa Code to eliminate the use of detention and incarceration for violations of probation and eliminate the use of detention as a disposition.

Research

In 2017, the National Council of Juvenile and Family Court Judges (NCJFCJ) issued a resolution⁹ on the need to align probation practice with the principles of adolescent development. In that resolution, NCJFCJ recommended that jurisdictions:

- Develop alternatives to formal probation revocations for technical violations, to ensure that detention or incarceration is never used as a sanction for youth who fail to meet their expectations or goals;
- Cease imposing “conditions of probation” and instead support probation departments’ developing, with families and youth, individualized case plans that set expectations and goals; and
- Emphasi[ze] . . . the use of incentives – rather than sanctions – to modify youth behavior.

One goal of racial and ethnic reform efforts is to reduce unnecessary incarceration of youth of color. Youth in the juvenile justice system have a wide variety of needs. This includes needs for varying levels of supervision that keep the youth under watchful eyes while allowing them to remain in the community. Jurisdictions with effective reform efforts have a continuum of programs and services to meet the different levels of supervision required by different youth. The goal is to provide the least restrictive level of supervision that will ensure that the youth is no longer a danger to the community.¹⁰

Many jurisdictions have demonstrated that a robust system of incentives, coupled with alternative responses to violations, yield better results for youth, and for public safety. For example, Pierce County, Washington’s Opportunity-Based Probation model has significantly reduced the likelihood of new technical violations and new referrals using an incentives-driven model while serving a majority of youth of color. Youth participating in the Opportunity-Based

⁹[National Council of Juvenile and Family Court Judges. Resolution Regarding Juvenile Probation and Adolescent Development, 2017](#)

¹⁰[National Council of Juvenile and Family Court Judges. Resolution Regarding Juvenile Probation and Adolescent Development, 2017](#)

Probation model had a 60% reduction in new referrals to court compared to youth assigned to traditional probation supervision.¹¹

Figure 1. Juvenile Detention Holds by Hold Type (2015-2019)

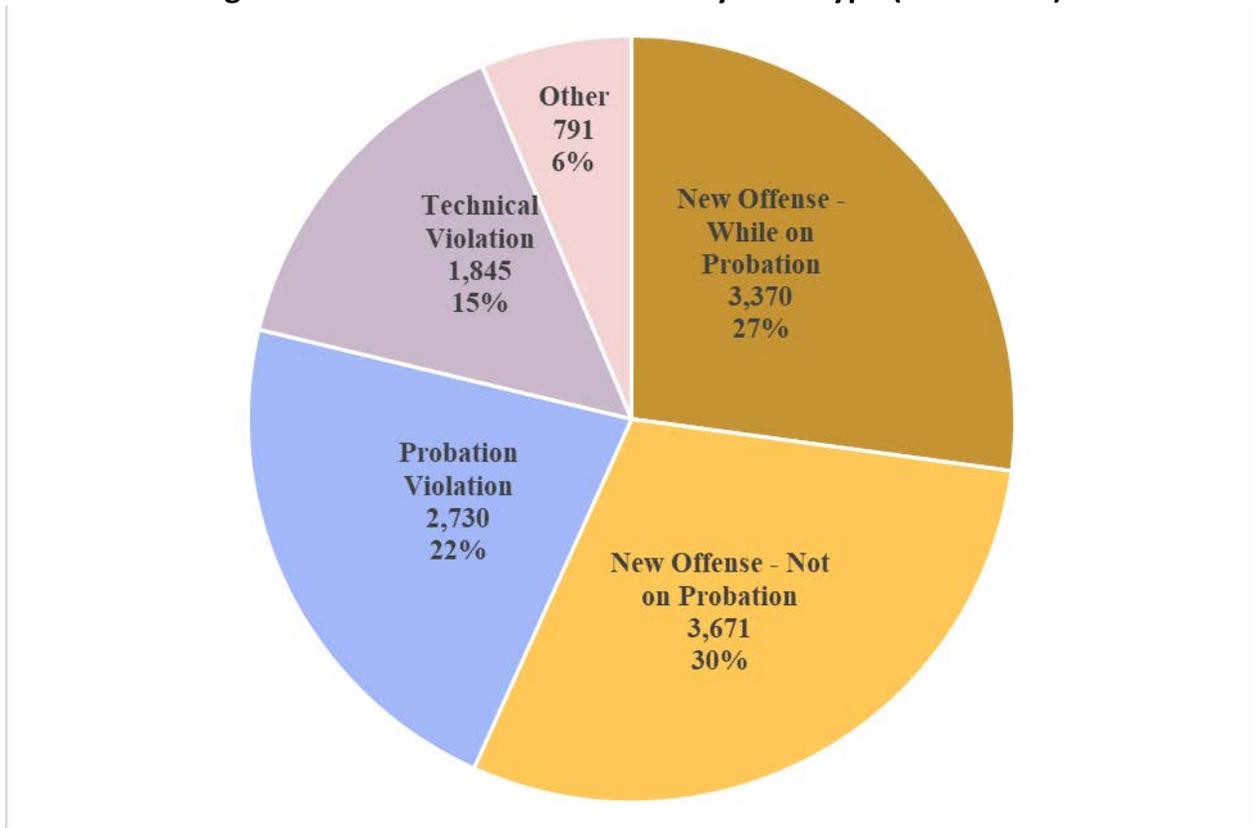


Table 1. Probation Violation Juvenile Detention Holds by Race (2015 - 2019)

Race/Ethnicity	2015	2016	2017	2018	2019
White	310	250	225	216	222
African-American	171	189	196	196	224
Hispanic	74	61	56	70	67
Other Youth of Color	37	46	44	38	38
TOTAL HOLDS	592	546	521	520	551

¹¹[National Council of Juvenile and Family Court Judges. Resolution Regarding Juvenile Probation and Adolescent Development, 2017](#)

Table 2. Probation Violations by Disposition (2015 - 2019)

Disposition	2015	2016	2017	2018	2019
Home	285	284	265	267	269
Foster Care	120	95	102	85	103
Shelter Care	81	72	70	65	69
Other/Unknown	44	48	35	39	38
State Training School	33	30	27	12	32
Different Detention Center	15	11	15	42	29
Mental Health Institute	5	2	3	3	4
Adult Jail/State Prison	5	3	4	2	2
Out-of-State	4	1	0	5	5
TOTAL HOLDS	592	546	521	520	551

Current Iowa Efforts that will contribute to implementing the recommendation:

- Iowa is implementing a Detention Screening Tool (DST) to assess youths' risk prior to placement in detention.
- Many Iowa jurisdictions presently provide detention alternatives.

Iowa has received technical assistance from national experts and is able to access additional assistance from a noteworthy network of national consultants related to juvenile detention including: [Annie E. Casey Foundation - Juvenile Detention Alternatives Initiative](#), [Center for Children's Law and Policy](#), [Center for Juvenile Justice Reform](#), [Council of State Governments](#), [Crime and Justice Institute](#), and [National Youth Screening and Assessment Project](#).

Juvenile Offenders Prosecuted as Adults

In Iowa, youth under 18 are able to be prosecuted and sentenced as an adult. Two of the established processes (in Iowa Code) have been examined:

- Adult Court Waiver: The juvenile court can “waive” exclusive jurisdiction if the court determines the juvenile is 14 years old or older; there is probable cause that the juvenile has committed a delinquent act; there are not reasonable prospects for rehabilitating the juvenile in juvenile court and it is in the best interest of the juvenile and community.
- Direct File: Youth age 16 or older who are alleged to have committed serious offenses (forcible felonies, certain gang and weapon offenses) are statutorily excluded from juvenile court jurisdiction and are considered adults for the prosecution of the offense in district court, unless the district court determines for good cause to transfer jurisdiction to juvenile court (reverse waiver).

Analysis of Iowa data years 2015-2019 (Tables 1-12; Source: Iowa Justice Data Warehouse):

- Recidivism rate for adult waiver youth was 70%.
- 52% of adult waiver youth who received a prison sentence were African-American.
- Of waiver youth who recidivated, 37% were African-American and 44% were White; 13% were female, 77% were male and 10% were unknown.
- 30% were waived for simple misdemeanor offenses.
- 43% of adult waiver youth were found to be guilty but were not sentenced to probation or prison (or a deferred sentence).
- White adult waiver youth were dismissed or deferred (19% and 18%, respectively) more often compared to African-American or Hispanic youth (14%, 11% and 13%, 16%, respectively).
- Female adult waiver youth were more likely to receive a dismissal or a deferral than males.
- Recidivism rate for direct file youth was 45%.
- Of direct file youth who recidivated, 52% were African-American and 32% were White; 8% were female, 87% were male and 5% were unknown.
- African-American and Hispanic direct file youth were more likely to receive a prison sentence (14% and 13% respectively) compared to White youth (5%).
- Of all direct file youth, 24% were reverse waived to juvenile court.
- No female youth, direct file or waived, received a prison sentence.
- Females, direct file and waived, were less likely to be found guilty of violent crimes compared to males.

Recommendations

- Juvenile court shall have exclusive jurisdiction of all juvenile offenders, except when the juvenile court waives jurisdiction. Eliminate Direct File.
- Juveniles may only be waived to be prosecuted as an adult for felony offenses.
- Juvenile court jurisdiction of a juvenile is able to be extended by the Juvenile Court until the youth is 21 years of age.

What will it take to make it happen?

Below are the necessary steps that must be taken to implement and sustain the recommendations.

- Study effective community-based and residential rehabilitative models to provide the appropriate level of care for moderate and high-risk juvenile offenders, up to the age of 21 years of age.
- Estimate the need and cost for additional community-based and residential facilities for youth up to the age of 21 years of age.
- Legislation to eliminate statutory exclusion of youth under 18 years of age from juvenile court jurisdiction. (Iowa Code Section 232.8, striking sub-paragraph 1.c.)
- Legislation to only allow waivers from juvenile court jurisdiction for alleged felony offenses.
- Legislation to allow juvenile court to maintain jurisdiction of a juvenile offender until the age of 21

We must identify and control the small group of serious, violent, and chronic juvenile offenders who have committed felony offenses or have failed to respond to intervention and nonsecure community-based treatment and rehabilitation services offered by the juvenile justice system. Measures to address delinquent offenders who are a threat to community safety may include placement in secure community-based facilities, training schools, and other secure juvenile facilities. Even the most violent or intractable juveniles should not be moved into the criminal justice system before they graduate from the jurisdiction of the juvenile justice system.¹

¹A Practical Approach to Evidence-Based Juvenile Justice Systems, *Journal of Applied Juvenile Justice Services*, James C. (Buddy) Howell, Ph.D., Mark W. Lipsey, Ph.D., John J. Wilson, Esq, Megan Q. Howell, MCJ, 2014

Research

- A report by the National Academy of Sciences confirmed the growing consensus that brain development continues into a youth's early-to-mid 20s.¹² In response to these research findings, many states have moved to increase judicial involvement in decisions about which cases are removed from juvenile court jurisdiction, and focus the offenses that make a youth eligible for prosecution in adult court on only the most serious offenses committed by older youth.
- According to the Office of Juvenile Justice Delinquency and Prevention, "six large-scale studies have found higher recidivism rates among juveniles convicted for violent offenses in criminal court when compared with similar offenders tried in juvenile court... the bulk of the empirical evidence suggests that transfer laws have little or no general deterrent effect."¹³
- The U.S. Centers for Disease Control and Prevention found that youth transferred to the adult justice system were approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for a violent crime.¹⁴

Table 1. Adult Waiver Youth Recidivism - 2015 to 2019

	N	%
No New Complaint within 1 year	323	30%
New Complaint within 1 year	755	70%
Total	1,078	100%

Table 2. Adult Waiver Youth Recidivism by Race - 2015 to 2019

	N	%
White	332	44%
African-American	277	37%
Hispanic	31	4%
All Other	115	15%
Total	755	100%

Table 3. Adult Waiver Youth Recidivism by Gender - 2015 to 2019

	N	%
Female	101	13%
Male	580	77%
Unknown	74	10%
Total	755	100%

¹² National Academy of Sciences (2013), *Reforming Juvenile Justice: A Developmental Approach*.

¹³ Redding RE. Juvenile transfer laws: An effective deterrent to delinquency? Office of Justice Programs, U.S. Department of Justice; 2008

¹⁴ [Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System](#)

Table 4. Direct File Youth Recidivism - 2015 to 2019

	N	%
No New Complaint within 1 year	338	55%
New Complaint within 1 year	273	45%
Total	611	100%

Table 5. Direct File Youth Recidivism by Race - 2015 to 2019

	N	%
White	86	36%
African-American	142	53%
Hispanic	11	34%
All Other	34	49%
Total	273	45%

Table 6. Direct File Youth Recidivism by Gender - 2015 to 2019

	N	%
Female	21	8%
Male	238	87%
Unknown	14	5%
Total	273	100%

Table 7. Adult Waiver Youth Initial Sentence Type by Disposition – 2015-2019

	Guilty		Dismissed		Deferred		Other	
	N	%	N	%	N	%	N	%
None	440	66%	160	100%	110	60%	8	100%
Probation	198	30%	0	0%	72	40%	0	0%
Prison	33	5%	0	0%	0	0%	0	0%
Total	671	100%	160	100%	182	100%	8	100%

Table 8. Direct File Youth Initial Sentence Type by Disposition– 2015-2019

	Guilty		Dismissed		Deferred		Waiver		Other	
	N	%	N	%	N	%	N	%	N	%
None	80	39%	91	100%	22	32%	133	99%	59	100%
Probation	67	32%	0	0%	46	68%	1	1%	0	0%
Prison	60	29%	0	0%	0	0%	0	0%	0	0%
Total	207	100%	91	100%	68	100%	134	100%	59	100%

Table 9. Adult Waiver Youth Disposition by Race – 2015-2019

	Guilty		Dismissed		Deferred	
	N	%	N	%	N	%
White	281	42%	84	53%	81	45%
African-American	241	36%	47	29%	37	20%
Hispanic	32	5%	6	4%	7	4%
All Other	117	17%	23	14%	57	31%
Total	671	100%	160	100%	182	100%

Table 10. Direct File Youth Disposition by Race – 2015-2019

	Guilty		Dismissed		Deferred		Reverse Waiver	
	N	%	N	%	N	%	N	%
White	66	32%	39	43%	32	47%	56	42%
African-American	110	53%	39	43%	23	34%	55	41%
Hispanic	12	6%	7	8%	6	9%	3	2%
All Other	19	9%	6	7%	7	10%	20	15%
Total	207	100%	91	100%	68	100%	134	100%

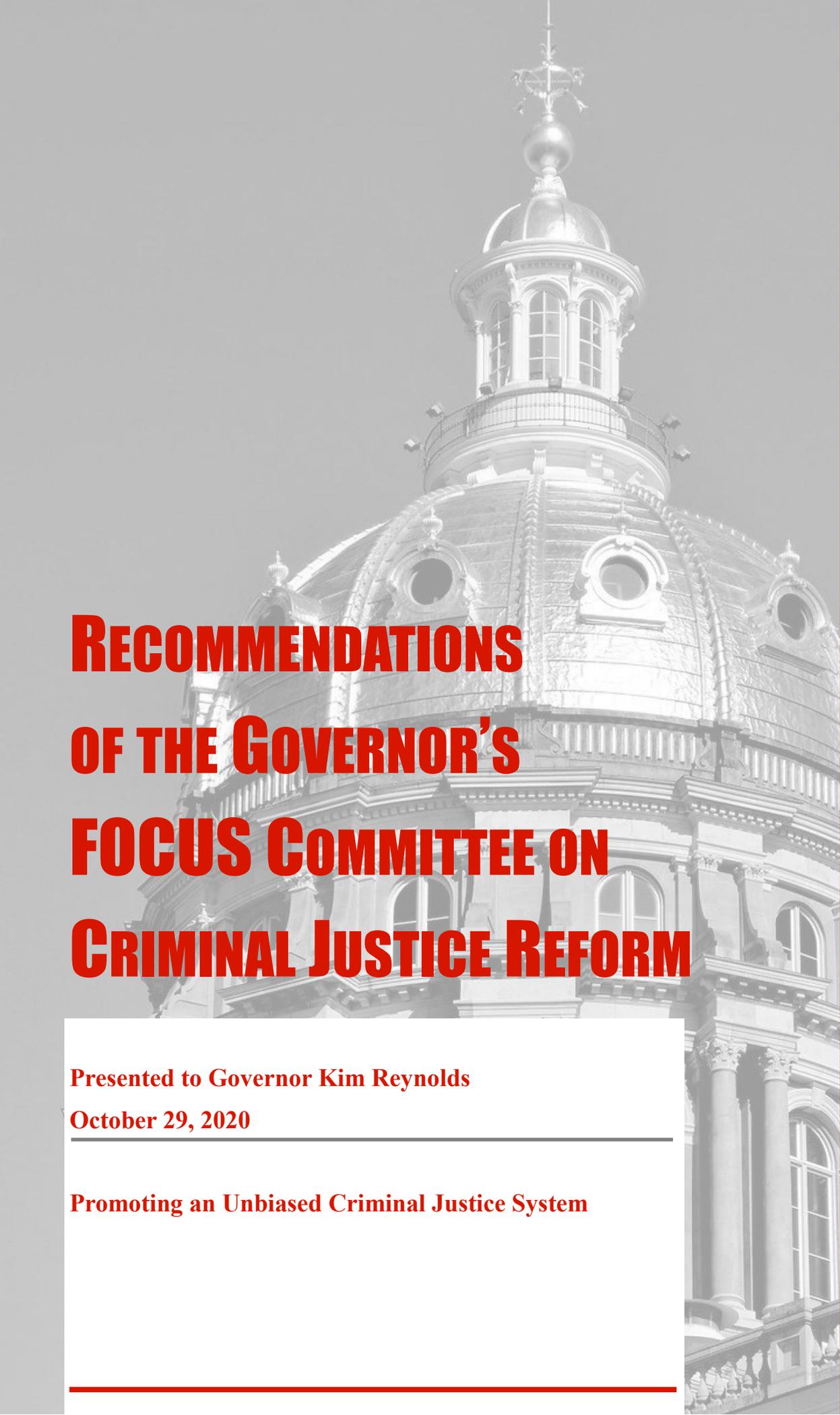
Table 11. Adult Waiver Youth Convicting Charge Class by Race – 2015-2019

	Felony		AGMS		SRMS		SMMS	
	N	%	N	%	N	%	N	%
White	82	39%	106	41%	118	48%	142	46%
African-American	77	37%	97	37%	54	22%	101	33%
Hispanic	10	5%	9	3%	15	6%	11	4%
All Other	39	19%	48	18%	57	23%	53	17%
Total	208	100%	260	100%	244	100%	307	100%

Table 12. Direct File Youth Convicting Charge Class by Race – 2015-2019

	Felony		AGMS		SRMS		SMMS	
	N	%	N	%	N	%	N	%
White	198	40%	14	35%	6	67%	1	13%
African-American	226	45%	16	40%	1	11%	6	75%
Hispanic	26	5%	3	8%	1	11%	0	0%
All Other	51	10%	7	18%	1	11%	1	13%
Total	501	100%	40	100%	9	100%	8	100%

AGMS – aggravated misdemeanor; SRMS – serious misdemeanor; SMMS – simple misdemeanor



RECOMMENDATIONS OF THE GOVERNOR'S FOCUS COMMITTEE ON CRIMINAL JUSTICE REFORM

Presented to Governor Kim Reynolds

October 29, 2020

Promoting an Unbiased Criminal Justice System



Executive Summary

Promoting Unbiased Policing

- Require and automate data collection on race/ethnicity from law enforcement stops
- Analyze and study the resulting data, and provide annual reports on the findings
- Adopt a statutory ban on disparate treatment in law enforcement activities and the delivery of police services



Brief Background

On October 15, 2019, at the Iowa Summit on Justice & Disparities, Governor Kim Reynolds announced the formation of the Governor's FOCUS (Fueling Ongoing Collaboration and Uncovering Solutions) Committee on Criminal Justice Reform. In 2020, Governor Reynolds charged the FOCUS Committee with providing recommendations to promote an unbiased criminal justice system. After social justice protests and calls for police reform, Governor Reynolds signed HF 2647, which banned chokeholds, required implicit bias and de-escalation training for police officers, and provided more oversight of officers that commit serious misconduct. Governor Reynolds also charged the FOCUS Committee with developing recommendations on anti-racial profiling legislation before the 2021 legislative session.



The Governor named Lieutenant Governor Adam Gregg as the FOCUS Committee's chair and fourteen other members of the committee:

Department of Corrections Director Dr. Beth Skinner
Board of Parole Chair Helen Miller
Department of Public Safety Commissioner Stephan Bayens
Iowa Law Enforcement Academy Director Judy Bradshaw
State Public Defender Jeff Wright
Department of Correctional Services, 6th Judicial District Director Bruce Vander Sanden
Iowa-Nebraska NAACP President Betty Andrews
Commission of Latino Affairs Member Rev. Alfonso Perez
Right on Crime, National Director of Reentry Initiatives John Koufos
Office of the AG, Crime Victims Assistance Division Director Janelle Melohn
Marshall County Attorney Jennifer Miller
Ankeny Police Chief Darius Potts
Scott County Sheriff Tim Lane
Urban Dreams Executive Director Izaah Knox

The FOCUS Committee met several times to hear presentations and discuss the subject of eliminating bias in the criminal justice system. The topics of those meetings were:

February 26: Police Training and Relationships with Communities of Color
June 24: Anti-Racial Profiling Laws
July 20: Anti-Racial Profiling Laws and Pretextual Stops
August 10: Traffic Stops and Data Collection
September 24: Criminal Justice Advisory Boards

The FOCUS Committee would like to thank the following presenters and contributors for sharing their expertise and insights: Division of Criminal and Juvenile Justice Planning, Iowa Law Enforcement Academy, Inclusive Cultural University, U.S. Department of Justice, Des Moines Police Department, ACLU of Iowa, Dr. Christopher Barnum, Iowa-Nebraska NAACP, Nebraska Commission on Law Enforcement and Criminal Justice, Law Enforcement Equity Task Force, University Heights Police Chief Troy Kelsay, Des Moines City Manager Scott Sanders, Cedar Rapids Police Chief Wayne Jerman, Alan Ostergren, State Appellate Defender's Office, R Street Institute, Governor's Office of Drug Control Policy, Department of Transportation, and Iowa State Patrol.

On October 23, 2020, the FOCUS Committee adopted the following recommendations for promoting an unbiased criminal justice system.

Require and automate data collection on race/ethnicity from law enforcement stops

The Department of Transportation system used by Iowa law enforcement to track information regarding traffic stops (TraCS) has the ability to accept information regarding an individual's race/ethnicity. However, the field is not required to be completed by all law enforcement agencies, and it is currently completed based on the officer's perception of the driver's race. Consequently, current data regarding potential racial disparities in traffic stops is incomplete and potentially inaccurate, and law enforcement officers are placed in the challenging position of guessing a person's race/ethnicity or risking an escalation of the interaction by asking the driver's race/ethnicity.

To ensure more complete data, law enforcement agencies shall collect and report the race/ethnicity of every individual whose identification is requested by officers. The data collected at a stop should also include, at minimum: the nature of the alleged law violation that resulted in the stop and whether a warning or citation was issued, an arrest made, or a search conducted as a result of the stop. The information may be collected through an automated method, such as TraCS, observation of the officer, asking the individual stopped, or any other appropriate means.

To ease the collection of this data and improve accuracy, the state should embed an individual's voluntarily-provided, self-identified race/ethnicity in the driver's license/state identification card data. Embedding this information in the DOT data would allow TraCS to automatically populate this information when a license or ID card is scanned. This automated process will allow for better data collection and analysis while easing any burdens on law enforcement.

Because collection of this information would take place at license renewals, which may occur as infrequently as every eight years, the Iowa Department of Transportation should work with relevant stakeholders to identify other methods to accelerate collection of this demographic information, including alternatives such as the annual vehicle registration process. The legislature should take significant precautions to ensure appropriate confidentiality of the driver's license data.



Analyze and study the resulting data, and provide annual reports on the findings

The existing Justice Advisory Board should be responsible for the review and analysis of traffic stop data, and should be reformed as follows:

The board should be renamed the “Justice and Community Policing Advisory Board.”

Members should be added to better reflect relevant stakeholders and community members, including:

- NAACP representative
- Public member between the age of 16 and 24
- Iowa Coalition for Collective Change representative
- Iowa Law Enforcement Academy director, or designee
- Commission of Latino Affairs member
- Commission of Asian and Pacific Islander Affairs member
- Commission of Native American Affairs member

The board should create a Community Policing Committee from among its members.

The board should be assigned the following duties:

- Advising on rules for the collection, compilation, and reporting of stop data to ensure the use of uniform reporting practices;
- Annually assessing the collection, compilation, and reporting of stop data compiled by law enforcement agencies;
- Issuing a report based on the stop data and the analysis of the data by the Division of Criminal and Juvenile Justice Planning in the Iowa Department of Human Rights. The board’s annual report should review and analyze profiling across geographic areas of the state, analyze the past and current status of profiling across the state, consult available evidence based research on intentional and implicit biases, and the impact on law enforcement stop, search, and seizure tactics, and make policy recommendations for eliminating profiling in Iowa.

The board should share the report with ILEA, so ILEA can assess law enforcement training and determine if the requirements are effective for reducing disparate treatment of people of color.



The state should provide matching grant funding to law enforcement agencies to conduct independent, agency-specific research on racial disparities in traffic stops to provide additional data and analysis for consideration by state and local policymakers. Any final reports should be made publicly available and provided to the Justice and Community Policing Advisory Board.

Adopt a statutory ban on disparate treatment in law enforcement activities and the delivery of police services

Racially discriminatory pretextual stops, as defined by the U.S. Supreme Court and the Iowa Supreme Court, are unconstitutional and prohibited. Racial profiling is statutorily banned in 16 states, including Nebraska, which has banned racial profiling since 2001. The USDOJ banned federal law enforcement from engaging in racial profiling in 2003. Race and other individual demographics simply shall not be a factor in police action outside of situations involving a description of a specific suspect, and Iowa law should reflect that principle.

The state shall adopt a ban on disparate treatment based on a person's individual demographics, including race, creed, color, national origin, ethnicity, religion, sex, gender identity/ expression, sexual orientation, physical or mental disability, or any other identifiable characteristics. State or local public safety employees performing law enforcement activities or delivering police services shall be prohibited from engaging in disparate treatment.

Disparate treatment includes any differential treatment of a person on the basis of individual demographics. Detaining an individual, conducting a stop, or any interactions thereafter shall not be based upon the disparate treatment of the individual.

A violation of these prohibited acts is the basis for an administrative personnel action against a public safety employee and any civil remedies under state or federal law.

