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**STATE OF IOWA
LEGISLATIVE FISCAL BUREAU**

State Capitol
Des Moines, Iowa
50319

MEMORANDUM

To: Legislative Fiscal Committee
From: Beth Lenstra
Date: December 3, 2001
Re: Iowa Crime Rates

The attached document illustrates that Iowa's violent crime rate has increased by 3.60% from 1990 to 2000. Property crimes peaked in CY 1995 with 3,665 property crimes per 100,000 residents. Since 1995, both violent and property crimes have been trending downward.

However, the correctional system's population has increased substantially during the last decade. The number of offenders in prison increased by 1,953 inmates (34.36%) from FY 1995 to FY 2000. The number of offenders under Community-Based Corrections (CBC) supervision increased by 8,043 clients (42.61%) during the same period. The total number of offenders in Iowa's correctional system continued to increase during FY 2001.

According to the U.S. Department of Justice, Bureau of Justice Statistics, Iowa was the fifth fastest growing offender population in the last year. Iowa currently ranks 39th in the nation in terms of incarceration rates, with 276 people incarcerated per 100,000 residents in 2001. In 1991, Iowa's incarceration rate was 144 people per 100,000 residents. The growth in the incarceration rate during this nine-year period is 91.66%.

Iowa correctional population is driven by policies and practices at the State and local level. They include:

- Enhanced penalties for existing crimes or the creation of new crimes.
- New court-ordered prison commitments and probation revocations have been increasing.
- Drug offenses are the most common offense type for new prison admissions.

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- The number of inmates expiring their sentences in prison has been increasing; this increases the average length of stay in prison. The following factors are related to expiration of sentences:
 - Institutional misconduct.
 - Prior release opportunities that failed.
 - Lack of incentive for inmates to accept parole or work release, because average time served before parole for some groups of inmates is not substantially different than average time served before expiration of sentence.
 - The Board of Parole's practices and policies have a direct impact on the prison population. It is the Board of Parole's responsibility to determine what portion, if any, of an inmate's sentence will be served under community supervision. The Board of Parole's policies and practices have increased the average length of stay in prison throughout the 1990's. Therefore, release due to expiration of sentence has increased by 154.6% from FY 1996 to FY 2001. Also, the number of "paroles with immediate discharge" (parole with insufficient time remaining on the sentence to serve community supervision) has increased.
 - The length of stay in prison has increased during the 1990's, and is anticipated to continue increasing. While the average length of stay in prison decreased from FY 2000 to FY 2001, it is still longer than the average length of stay in prison in FY 1991. Judges have discretion to impose mandatory minimum terms for drug offenders. Mandatory minimum terms more than tripled for drug offenders during the last five years. This will result in drug offenders serving longer prison sentences than they have in the past.
 - On July 1, 1996, the General Assembly abolished parole for certain offenders and required them to serve at least 85.0% of their maximum sentence. The offenses include Second Degree Murder, First and Second Degree Robbery, Second Degree Sexual Abuse, and Second Degree Kidnapping. Effective July 1, 1998, Vehicular Homicide with leaving the scene of the accident and Attempted Murder were added to the list of offenses. Also, Chapter 901A, Code of Iowa, imposes the requirement that 85.0% of certain sex offenders' sentences must be served in prison, and also increases the maximum length of the sentence. By June 2011, approximately 718 additional inmates will be in prison due to these laws. The laws will have a greater impact beyond 2011. On June 30, 2001, there were 491 inmates serving sentences under these laws. If these laws had not been enacted, 17 additional offenders would have been released based on the current average length of stay.

There have been several new initiatives that may impact the projected increase in the correctional population:

- The Department of Corrections is attempting to expand the Violator Program. To the extent that expansion of the Program will reduce revocations to prison or reduce the average length of stay in prison, a decrease in the projected prison population will occur.
- The 2001 General Assembly enacted SF 543, Criminal Sentencing Act that extends the time for judicial review of sentences from 90 days to one year after conviction. To the extent that this "shock probation" option is used and reduces the average length of stay of new prison admissions, a decrease in the projected prison population will occur. However, there is a potential for an increase in the projected prison population if judges

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use this sentencing option to incarcerate offenders who would not otherwise have been sentenced to prison, or sentence those offenders who would have been released in 90 days for longer than 90 days.

- Senate File 543 provides a determinate sentencing option for certain offenders convicted of Class D felonies. The determinate term may be between one and five years, earned time is applied to the sentence, and community supervision is required. To the extent that this sentencing option reduces the average length of stay of new prison admissions, a decrease in the projected prison population will occur. However, there is a potential for an increase in the projected prison population, if judges order a determinate term that results in an increased average length of stay in prison compared to an indeterminate sentence, or if judges use this sentencing option for offenders who would otherwise not have been incarcerated.
- The 2001 General Assembly enacted SF 537, Healthy Iowans Tobacco Trust Appropriations Act, that requires the Department of Public Health to establish a substance abuse treatment facility for probationers. To the extent that offenders on probation, who would have otherwise been revoked to prison, are sent to this facility, new prison admissions will decrease.
- The Board of Parole is seeking ways to increase supervised releases during FY 2002. There were 404 parole releases during the first two months of FY 2002, compared to 195 parole releases during the first two months of FY 2001, an increase of 107.2%.
- Chapter 901B, Code of Iowa, requires each CBC District Department to implement an intermediate criminal sanctions plan. According to Section 901B.1(3), Code of Iowa, "the plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations." Because most of these plans have only begun to be implemented, it remains to be seen what the impact will be on projected prison populations.

Please call me at (515) 281-6301 if you have any questions regarding these documents.