PUBLIC SAFETY ADVISORY BOARD

REPORT TO THE IOWA GENERAL ASSEMBLY

In fulfillment of requirements of Iowa Code §216A.133A

DECEMBER, 2012

Staff support provided by the

Iowa Department of Human Rights

Division of Criminal and Juvenile Justice Planning

Lucas State Office Building

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 to facilitate improvement in 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 Iowa Code, 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 a 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.

Overview of Deliberations

The Public Safety Advisory Board (PSAB) met three times during CY2012. It held formal meetings on May 9, September 12, and November 28. It also conducted a telephonic meeting on November 30 for sole purpose of approving this report. In its May 9 meeting, the PSAB also received a presentation from the Council of State Governments Justice Center pertaining to "justice reinvestment," an approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods. This effort is consistent with the Results First effort being supported by the Pew Foundation, a cost/benefit model designed by Washington State to utilize data to develop cost-benefit analyses of actual and potential policy decisions. Becoming a justice reinvestment state requires commitment from all branches of government. To that end, the PSAB Chair, Thomas Ferguson, in August sent letters requesting support from the Governor, the Chief Justice, and legislative leadership.

During its three CY2012 public meetings, the Public Safety Advisory Board addressed a more limited agenda than in previous years due to the loss of staff support in the Division of Criminal and Juvenile Justice Planning. In FY2011, its first year of operation, the PSAB was provided with staff support through a one-time allocation from the Underground Storage Tank Fund. With the loss of this funding in FY2012 and lack of replacement funding, the Division of Criminal and Juvenile Justice Planning (CJJP) was able to provide limited support to the PSAB through December, 2011, when, due to a staff retirement, that reduced staff support was eliminated.

No new issue papers were prepared for the Public Safety Advisory Board in CY2012, although one previously unreleased issue paper pertaining to the waiver of juveniles to adult court is included here as Appendix 1. The PSAB has conducted further discussion of this issue during 2012 and submits this report after not doing so in its 2011 report.

The PSAB supports the following stemming from activity in 2012:

- **The Board, in its advisory capacity, supports the State's involvement in the Council of State Governments' justice reinvestment approach to analyze justice system operation.**
- **The Board supports implementation of the Results First model in Iowa's corrections and juvenile justice systems.**
- **The Board continues to support equalizing the penalties between crack and powder cocaine.**
- **The Board supports continued study of Youthful Offender legislation.**

Included as Appendix 2 is an overview of the Results First model supported by the Pew Foundation.

Included as Appendix 3 is an overview of the Council of State Governments' Justice Reinvestment model.

To keep alive several of the issues addressed previously in PSAB reports, brief summaries of four issue papers are included below, along with PSAB recommendations for the General Assembly.

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 the required portion of time has been served. Mandatory minimum sentencing became popular in the 1980's and 1990's 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.

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

The study resulted in five conclusions, presented below, and one recommendation approved by the Public Safety Advisory Board:

1. Serving a longer prison time can potentially reduce offenders' 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. 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.

An analysis using the Iowa Results First Model demonstrated that the prison population would be permanently reduced by an estimated 64 inmates by the fourth year of implementation of a policy that would eliminate drug mandatory minimum terms for lower risk drug offenders. The example demonstration reinvested half of the savings in cognitive programs for offenders in prison and in the community. Such programs would serve approximately 1,026 offenders annually. This demonstration results in taxpayer savings of approximately $1.2 million over a ten-year period.

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 they are utilized appropriately.

Modifying penalties for powder and crack cocaine

The PSAB in 2010 voted to support legislation to reduce 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 disagreed on how this should be accomplished but would support legislation to do the following:

Recommendation of the Public Safety Advisory Board

Amend Iowa 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**

In Iowa, prohibited acts involving more than 10 grams but less than 50 grams of crack currently carry the same penalty as offenses involving more than 100 but less than 500 grams of powder cocaine. Iowa data presented to the PSAB suggest that this disparity in penalties contributes to disproportionate incarceration of African-Americans. Data were also presented pertaining to the amounts of crack and powder cocaine seizures. Research was presented illustrating that the physiological and psychotropic effects of crack and powder cocaine are the same, and that the drugs are now widely acknowledged as pharmacologically identical.

Also studied was a correctional impact analysis completed during the 2009 Legislative session showing that decreasing the threshold amounts of powder cocaine to those of crack cocaine would have a disproportionate effect on the incarceration rate of African Americans. The simulation included in the 2009 analysis suggested that African Americans would comprise 46% of the prison population increase attributable to increased powder penalties.

Raising the crack amounts to equal those of powder was felt by some to be the most appropriate approach, but consensus was not reached on that option.

The final approach considered by the PSAB hypothesized that the distribution of Class C, B, and B+ offenses be based upon the distribution of amounts of drugs seized (discounting outliers of large seizures). As an illustration, this approach would result in the same percentage of powder and crack seizures resulting in Class C charges. This approach raised the amounts of crack cocaine within each offense class but did not make the amounts equal gram to gram. This approach resulted in the change recommended above, upon which consensus was reached.

Transitioning Youth

Currently juvenile court jurisdiction for juvenile offenders in Iowa ends at age 18, except in a few special circumstances. The Iowa Code allows the provision of a Youthful Offender Status for youth 15 years of age and younger, which allows youth to be placed under adult court jurisdiction, but receive sanctions and services by the juvenile justice system until the 18th birthday. Once a youth turns 18 years of age, a court hearing is held to determine if continued sanctions and services are required by the Department of Corrections. This provision is unavailable to youth aged 16 and 17.

The PSAB in its September 12th meeting heard testimony from a representative of the chief juvenile court officers that during the most recent two legislative sessions they have supported legislation to expand the Youthful Offender Status for all youth less than 18 years of age. The legislation has not passed. The Chiefs' representative discussed the issue with the PSAB in an effort to better inform the Board about the issues involved in either maintaining 16- and 17-year-olds in juvenile court versus automatically waiving them to adult criminal court. The PSAB is also aware of a position paper and suggested language from the Honorable Stephen C. Clarke, Judge, First Judicial District that would change IA Code §803.6 and IA Code §232.45 to allow juveniles age 16 and 17 to be treated as youthful offenders

The *Juvenile Waivers to Adult Court: A Review of Outcomes for Youth* report (March 2011) provides information on outcomes in the juvenile justice system and in the adult system for youth who have been waived to the adult system. The findings include:

- The mandatorily-waived juvenile offenders who were sentenced to prison had a recidivism rate of 43%. The mandatorily-waived offenders who were placed on adult probation had a recidivism rate of 80%;
- Juvenile offenders age 16 and 17 who were waived to adult court had a recidivism rate of 67%;
- Juvenile offenders who received "reverse waivers" had a 12.5% recidivism rate in juvenile court and 46% when they become adults and juvenile court jurisdiction ends.

Another report conducted by CJJP for the time period of January, 2011 through June, 2012 showed that recidivism rates for juvenile offenders under juvenile justice system supervision upon returning home from out-of-home placements was 16.8%. These data suggest that maintaining youth in the juvenile justice system is more effective than handling them in the adult system. This approach is also consistent with recent research suggesting that brain development is not completed until youth reach age 25.

Legislative Options

1. Expansion of Youthful Offender Status to include all youth less than 18 years of age, including those 16- and 17-year-old forcible felons who currently are subject to mandatory waiver.
2. Expansion of Youthful Offender Status to include all youth less than 18 years of age, including the mandatory waiver to adult court for 16 and 17 year old forcible felons, and extend jurisdiction of these youth in the juvenile court system to the age of 21, at which time a court hearing would be held to determine if continued sanctions and services should continue.

The Public Safety Advisory Board is not making a recommendation on this topic at this time, but wishes to bring its interest in possible legislative changes to the General Assembly. While extending youthful offender status to 16- and 17-year-old youth will require additional resources in the juvenile courts, evidence suggests that there may be long-term benefits to doing so.

Juvenile Waivers to Adult Court

The Public Safety Advisory Board requested a study to track youth waived to adult court and a comparable cohort of youth who remained under the jurisdiction of the juvenile court. The study followed four cohorts of youth in an effort to determine the impact of waiving youth from the juvenile courts to the adult justice system. The cohorts included a group of youth who were automatically processed in the adult system due to the severity of the charges against them, a group waived to the adult system after starting in the juvenile court, a group returned to the juvenile court after having initially been waived to the adult system, and a group of "youthful offenders" who started supervision in the juvenile court with the option of moving into the adult system upon reaching age 18.

Recent research indicates that waiving juvenile cases to adult court can be harmful and lead to greater recidivism; the results from this study support the research. This study supports the premise that youth maintained by the adult court, whether on mandatory exclusions or adult court waiver, have high rates of reconviction. While youth on reverse waivers had a very low rate of recidivism while under juvenile court supervision, they had a nearly 46% conviction rate in adult court after they reached the age of 18. This suggests that either these youth were not truly rehabilitated or possibly had already been through adult court and were consequently not deterred by adult justice system sanctions. The final group, youthful offenders, also had a low incidence of recidivism, opening the door to further exploration for use of this infrequently used sentencing option.

An ad hoc committee seated by the Juvenile Justice Advisory Council (JJAC) discussed the current practices of juvenile waivers to adult court. Juveniles who are at least 14 years of age may be waived to adult court, and juveniles who are 16 or 17 at the time of offense and who have committed enumerated offenses in IA Code§ 232.8, subsection 1, paragraph "c" (forcible felonies), must be transferred to adult court. The committee reviewed statistics on juveniles and adult court for FY2010, as found below.

In addition, the ad hoc committee reviewed a publication by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) entitled "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" that reviewed studies on the subject. This review found that recidivism rates are generally higher for juveniles waived to adult court when compared to similarly situated youth who were kept in juvenile court.

The PSAB is not making a recommendation on this topic at this time, but wishes to bring its interest in possible legislative changes to the General Assembly. While reducing the incidence of waivers from juvenile court to adult court – or abolishing mandatory waivers altogether -- would not occur without controversy, evidence suggests that there may be long-term benefits to doing so.

APPENDIX 1

PUBLIC SAFETY ADVISORY BOARD

Juvenile Waivers to Adult Court:

A Review of Outcomes for Youth

Staff Support Provided by the

Iowa Department of Human Rights,

Division of Criminal and Juvenile Justice Planning

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Table of Contents

	Page
Executive Summary	iii
Background	1
Literature Review	1
Juvenile Transfer Laws	2
Issue	3
Methodology	3
History of the Youthful Offender Program in Iowa	5
Results	6
Discussion	16
Summation	18
References	19
Appendix A – Forcible Felonies	20
Appendix B – System Flowchart	21

Executive Summary

This study followed four cohorts of youth in an effort to determine the impact of waiving youth from the juvenile courts to the adult justice system. The four cohorts included a group of youth who were automatically processed in the adult system due to the severity of the charges against them, a group waived to the adult system after starting in the juvenile court, a group returned to the juvenile court after having initially been waived to the adult system, and a group of "youthful offenders" who started supervision in the juvenile court with the option of moving into the adult system upon reaching age 18.

Recent research indicates that waiving juvenile cases to adult court can be harmful and lead to greater recidivism; the results from this study support the research. This study supports the premise that youth maintained by the adult court, whether on mandatory exclusions or adult court waiver, have fairly high rates of reconviction. While youth on reverse waivers had a very low rate of recidivism while under juvenile court supervision, they had a nearly 46% conviction rate on the adult side once they aged out. This suggests that either these youth were not truly rehabilitated or possibly had already been through adult court and were consequently not deterred by it. The final group, youthful offenders, also had a low incidence of recidivism which seems to open the door to further exploration for use of this infrequently used sentencing option.

Recidivism in this Study

For purposes of this study, recidivism was defined as a new conviction/adjudication for any criminal offense.

Cohort	Juvenile	Adult	
Mandatory Exclusions	NA	56.0%	(42.9% Prison / 80.0% Probation)
Waivers to Adult Court	NA	66.7%	(25.0% Age 15 / 67.0% Age 16+)
Reverse Waivers	12.5%	45.8%	
Youthful Offenders	28.6%	NA	

Points for Discussion

1. Recidivism rates for youth supervised by the juvenile courts were lower than rates for youth supervised by the adult courts. Youth placed on probation by the adult court had the highest

rate of recidivism (80%) of any group in this study, while youth age 16 or older waived to adult court also had a very high rate of reconviction at 67%.

2. While very few youth are placed on youthful offender status, these youth tend to have fairly low rates of recidivism. Five youth of the six reviewed had no new offenses while under juvenile court supervision, while one youth was subsequently convicted in adult court nearly four years later. In a comparison group of youth ages 14 and 15 who were adjudicated on forcible felony charges but not waived to adult court, the recidivism rate within the juvenile system was 71%.
3. As for youth on reverse waivers, recidivism within the juvenile system was much lower than recidivism within the adult system. What then might this be attributed to? Of the 24 youth on reverse waivers, 16 of them were placed for prolonged periods of time in restrictive placements (state training school, detention or treatment program). Of these 16, ten youth subsequently received convictions in adult court; seven of these were placed on probation and three were sentenced to prison. Of the eight youth where no restrictive placements were found, one youth was placed on probation and successfully discharged. This tends to suggest that youth placed in restrictive settings have an increased tendency for recidivism (although being identified as high risk may also have contributed to restrictive placement).
4. Research suggests that youth waived to adult court have longer case processing times and ultimately receive less severe sentencing as compared to youth in juvenile court. The average time for case processing for youth direct filed in this study was 179 days; for youth age 15 waived to adult court processing time was 118 days. Youth on reverse waivers were adjudicated within an average of 71 days and youth placed on youthful offender status were processed within an average of 118 days. As for severity of sentencing, of the 29 youth processed in adult court, 15 were incarcerated and 14 were either placed on probation or the case was dismissed. Of the 31 youth who remained under supervision of the juvenile court, 23 were sent to restrictive placements such as group care, detention or state training school, most of which occurred within days of waiver or adjudication. This suggests that a higher percentage of youth under the purview of juvenile court receive more prompt "sentencing" and more restrictive placements.

5. From a perspective of race, minority overrepresentation was identified in each cohort. The percentage of African-American youth at complaint was 13.5%, while Hispanics comprised 5.4% of youth at complaint. Representation of these two groups in each of the cohorts is as follows:

	African-American	Hispanic
Mandatory Exclusion	24.0%	16.0%
Adult Court Waiver	40.0%	20.0%
Reverse Waiver	25.0%	8.3%
Youthful Offender	83.3%	0.0%

Most notably, during SFY05, the largest percentage of youth placed on youthful offender status was African-American. A review of youthful offenders between SFY05 and SFY10 indicates the same pattern, as all youthful offenders during this timeframe were minorities.

6. There is a need to ensure that Iowa remains in compliance with both the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and State of Iowa Code §356.3 regarding housing youth in adult facilities. Youth under the age of 18 placed on youthful offender status for a misdemeanor offense cannot be held in adult facilities; however, youth under the age of 18 placed on youthful offender status for a felony offense can be held in adult facilities *if* they are sight and sound separated.

Background

Between 1992 and 1995, 40 states passed laws enabling youth to be tried as adults (Griffin, Torbet, and Szymanski, 1998). By 2003, 60% of all states had adopted laws *requiring* certain juvenile offenders be waived to adult court (Redding, 2010). Most commonly referred to as "transfer laws," the adoption of what was perceived to be harsher criminal treatment for juvenile offenders was in response to an increase in violent crime committed by juveniles during the late 1980's and early 1990's. After nearly a decade of increased juvenile violence, the term "superpredator" was coined to describe highly violent, brutal, and impulsive youth who denigrated public safety and contributed to an increase in drug activity and gang violence (Gilliam and Iyengar, 2005).

The intent of transfer laws was to deter juveniles from further offending through the imposition of increased punitive measures and the threat of adult sanctions. In essence, there was an attempt to invoke a "scared straight" mentality that would reduce juvenile offending and reoffending. Unfortunately, the majority of empirical evidence suggests that transfer laws have little or no effect on recidivism. Furthermore, research suggests that the juvenile system may actually be harsher in regards to providing immediate interventions while the adult system more often releases young offenders with little supervision (Myers and Kiehl, 2001). This paper will review outcomes for juvenile offenders in Iowa who were statutorily waived, judicially waived, placed on reverse waiver to the juvenile court, or designated as "youthful offenders."

Literature Review

A wide variety of research has been conducted to determine whether prosecuting a youth as an adult does in fact deter future criminal activity or whether it is more harmful. Most empirical evidence suggests that transfer laws do not have a deterrent effect and may actually increase the likelihood of future violent crime. According to a bulletin entitled *"Juvenile Transfer Laws: An Effective Deterrent to Delinquency"* published by the Office of Juvenile Justice and Delinquency Prevention in 2010, six large-scale studies have been conducted on the effects of juvenile transfer laws. "All of the studies found higher recidivism rates among offenders who had been transferred to criminal court, compared with those who were retained in the juvenile system." This was true even for those offenders placed on probationary status.

A separate study conducted at the Indiana University of Pennsylvania suggests that the adoption of transfer laws was not initially guided by scientific research; rather it was a rapid response to the increase in juvenile violence at the time. The study concluded that these laws have not had the impact on juvenile crime that was intended. Findings from this study indicated that youth waived to the adult court system not only had higher rates of recidivism, but also committed more serious offenses pre-disposition compared to offenders retained in the juvenile system. The study also noted that waived youth were more likely to be released from secure custody prior to disposition, suggesting that these youth receive less supervision and potentially fewer services than youth supervised by the juvenile court (Myers and Kiehl, 2001). Literature suggests that trying youth as adults often results in unintended consequences:

- Negative effects of labeling youth as "criminals" and "convicted felons"
- Resentment and injustice felt by juveniles regarding being handled as an adult
- Learning advanced criminal activity while incarcerated with adult offenders
- Decreased focus on rehabilitation and support in the adult system
- Felony convictions resulting in a loss of a number of rights and privileges, including employment and higher education

In addition, juveniles in adult prison are eight times more likely to commit suicide and five times more likely to be sexually assaulted (Redding, 2010). These negative effects are presumed to have a direct influence on the higher recidivism rates on the part of juveniles waived to adult court.

Juvenile Transfer Laws

While labeled differently depending upon author and/or jurisdiction, there are three basic types of juvenile transfer laws in effect today: judicial waiver; statutory exclusion; and prosecutorial-discretionary (Griffin, 2008). Most states have adopted at least one of these methods or have established blended sentencing laws.

- **Judicial Waiver** - This allows juvenile court judges to determine whether prosecution in the adult system is appropriate for a juvenile case. The case originates in juvenile court and may be transferred to adult court only on authority of a judge after a formal hearing.

- **Statutory Exclusion** – Exclusion laws give adult criminal courts jurisdiction in cases involving certain offense classes. These cases originate in adult court, but may be waived back to the jurisdiction of the juvenile court depending upon circumstances of the crime and the age of the offender.
- **Prosecutorial Discretion** – This leaves the decision to try a youth as an adult up to the prosecution. Generally, no hearing takes place to determine jurisdiction and, therefore, jurisdiction is held by both the adult and juvenile court systems. In some states a certain category of offenses determines appropriateness of waiver, but the waiver is not mandatory.

Issue

Iowa currently has blended sentencing laws for juveniles allowing for both mandatory exclusions and judicial discretion depending upon offense and the age of offender. As far as prosecutorial discretion, prosecutors may request a waiver to adult court or, in the cases of youth who are statutorily excluded, they may request a reverse waiver to juvenile court, but the decision lies with the courts. (For a diagram of the waiver process by age, please see Appendix B).

Currently, State of Iowa Code §907.3A allows for any youth aged 15 or younger who has been waived to adult court on a statutory exclusion to be placed on youthful offender status. Youthful offenders are tried in adult court and are subsequently waived to juvenile court for disposition and supervision. Youthful offenders then have a hearing prior to the age of 18 to determine whether or not rehabilitation has occurred and at that time the youth is either transferred to the supervision of adult court or is discharged. While youthful offender status can be granted for youth under the age of 16, youth ages 16 and 17 similarly situated who are statutorily waived on forcible felonies *must* be tried in adult court. There are currently two bills before the Iowa legislature to amend the code regarding youthful offenders; one limits the age of the offender to ages 13 through 15, and the other expands jurisdiction to youth up to age 17.

Methodology

Four cohorts were reviewed for the purpose of determining outcomes for youth in Iowa waived to the adult court system as compared to youth maintained in the juvenile system:

- mandatory exclusions (forcible felons);
- waivers to adult court;
- reverse waivers; and
- youthful offenders.

Data were obtained from the Iowa Justice Data Warehouse, Iowa Corrections Offender Network, and from Iowa Courts Online. The Iowa Justice Data Warehouse contains uploaded information from the Iowa Courts Information System (ICIS), which houses state juvenile justice data for the judiciary. With the exception of youthful offenders, initial cohorts were obtained utilizing a timeframe of July 1, 2004 through June 30, 2005 (state fiscal year 2005). A two-year period was reviewed for youthful offenders due to low numbers. Some limitations regarding placement and service information existed during the timeframe reviewed, as judicial districts were not entering complete service data until 2007. When possible, individual cases were reviewed within ICIS to determine placements. Recidivism was defined as a new conviction for any criminal offense. Due to time constraints, the ability to report on similarly situated youth for each cohort who were not waived to adult court was diminished. A description of the four cohorts follows.

- ***Mandatory Exclusions*** – Included were offenders age 16 or older charged with a forcible felony (see Appendix A), direct filed under §232.8 (1)(c) of the Iowa Code, and convicted. Only the forcible felony charges (no prior offense history) were reviewed and outcomes were determined by reviewing recidivism, defined as new convictions either post-release or post-probation.
- ***Adult Court Waivers*** – Per Iowa Code §232.45, subsection 6, youth at least 14 years of age under the jurisdiction of the juvenile court may be waived to the adult system via a transfer hearing. Waivers may be requested when there are not "reasonable prospects" for rehabilitating the youth prior to the age of 18. This report divides youth age 15 or younger who were waived to adult court from those youth 16 and older who were waived as these youth would not fall under the mandatory exclusion statute. Outcomes were determined by reviewing convictions within the adult system post waiver. In Iowa, youth waived to adult court and convicted on a felony or aggravated misdemeanor

charge (who are not sentenced as a youthful offender) must be tried in adult court on any future aggravated misdemeanor or felony offenses.

- ***Reverse Waivers*** – The adult court, upon hearing a mandatory exclusion case for youth under the age of 19, may find that waiver to the adult system would be inappropriate under criteria established per Iowa Code §232.45 and waive jurisdiction back to juvenile court "upon motion and for good cause." Youth included in this cohort are those youth between the ages of 16 and 18 placed back under the jurisdiction of the juvenile court. Outcomes reported will include services received under the purview of juvenile court, as well as rates of recidivism in both juvenile and adult court. Recidivism was determined by a review of subsequent adjudications within the juvenile system and new offense convictions in adult court.
- ***Youthful Offenders*** - These are youth under the age of 16 who were tried and convicted in adult court during SFY05, received a deferred sentence, and were placed on "youthful offender" status. These offenders remain under the jurisdiction of the juvenile court until the age of 18, at which time a hearing takes place to determine whether the youth has been sufficiently rehabilitated. The court then either extends supervision by transferring jurisdiction to adult court or the offender is discharged. Recidivism for this group was determined by a review of offenses while being supervised by juvenile court, as well as convictions obtained in the adult system after the review hearing took place. Placements and services received up to the age of 18 were also reviewed. A comparison cohort was also reviewed controlling for age, gender, race, and offense class for youth not waived to adult court on a forcible felony charge.

History of the Youthful Offender Program in Iowa

The Youthful Offender Program (YOP), first developed in 1992 in Iowa's fifth judicial district, was designed as an alternative to incarceration for first time offenders between the ages of 16 and 21 who had committed felony or aggravated misdemeanor offenses. The program expanded into four other judicial districts between 1994 and 1996. YOP's were staffed by Community Based Corrections through funding supplied by the Governor's Alliance on Substance Abuse (now the Office of Drug Control Policy). The program was highly structured

and was meant to provide a more intensive level of supervision and case management than regular probation. Offenders were often placed on curfew and completion of community service was mandatory.

An evaluation of the YOP was conducted during 1997 by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP). One of the main components of this evaluation was to review program completion rates and recidivism (defined as any new conviction or pending conviction). Findings from the study reflect that out of 210 offenders, 35% of YOP participants successfully completed the program and did not recidivate. Overall, 44.8% of participants, regardless of program completion, did not recidivate (Huff and Hudik, 1997). Since the initial study only allowed for a six-month follow-up period, an additional study was conducted by CJJP in 2000 reviewing the same 210 participants to allow for a 24-month recidivism period. Not surprisingly, results from this study indicated higher rates of recidivism for YOP participants. Youth successfully completing the program had a recidivism rate of 52.6% and youth who did not complete the program had a recidivism rate of 84.4% (Huff and Wilson, 2000). While YOP seemed to be a promising approach for certain offender groups, funding for the program was eliminated; therefore, a structured YOP program no longer exists.

Results

Unless otherwise noted, data provided below were reviewed for state fiscal year 2005 (SFY05) in an effort to provide ample time for a prolonged review of outcomes for all four groups. Data outcomes for youth in the juvenile system were obtained from the Iowa Justice Data Warehouse; data presented on youth processed by the adult courts were obtained from the Iowa Corrections Offender Network (ICON) and Iowa Courts Online systems.

Juvenile Delinquency

To provide some perspective as to the total number of youth processed through the juvenile court system in Iowa, during state fiscal year 2005 there were 27,678 complaints filed as a result of 34,971 charges. The following provides a breakdown by gender, race, age, and charge class:

Gender	N	%	Age	N	%
Male	18,949	68.5%	11 & Under	1,207	4.4%
Female	8,678	31.4%	12-13	3,740	13.5%
Unknown	51	0.2%	14-15	8,738	31.6%
Race			16-17	13,555	49.0%
Caucasian	21,620	78.1%	18+	276	1.0%
African-American	3,740	13.5%	Unknown	162	0.6%
Hispanic	1,493	5.4%	**Charge Class**		
Native American	282	1.0%	Felony	3,798	10.9%
Asian	226	0.8%	Misdemeanor	30,463	87.1%
Other/Unknown	317	1.1%	Other	710	2.0%

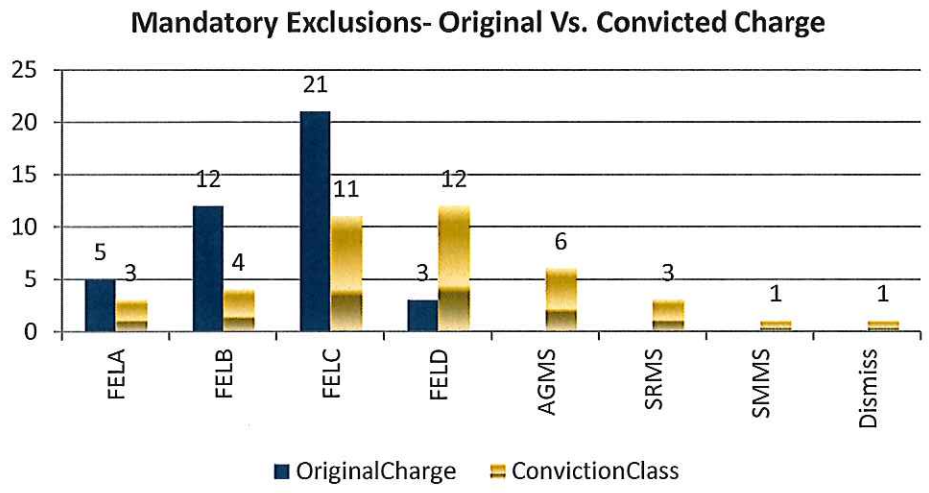
The following provides data and outcomes for the four cohorts.

1. Mandatory Exclusions

Data below include youth ages 16 to 17 statutorily waived to adult court and convicted of a forcible felony (youth not convicted are not included).

Data – SFY05

Gender	N	%	Age at Offense	N	%
Male	23	92.0%	16	13	52.0%
Female	2	8.0%	17	12	48.0%
Race			**Class** (All Original Charges)		
Caucasian	15	60.0%	FELA	5	12.2%
African-American	6	24.0%	FELB	12	29.3%
Hispanic	4	16.0%	FELC	21	51.2%
TOTAL	**25**		FELD	3	7.3%



The above reflects the original forcible felony charges *(N=41)* for the 25 youth statutorily waived during SFY05 along with the charges that each youth was eventually convicted on. Of the 41 original forcible felony charges against these youth, 16 were convicted on the original charge, 24 charges were reduced, and 1 charge was dismissed. The average time between offense and sentencing was 178.6 days.

Outcomes

Sentencing for the 25 youth statutorily waived and subsequently convicted was as follows:

	N	%		Prison	Probation	Jail
Prison	14	56.0%	Caucasian	9	5	1
Jail	1	4.0%	African-American	3	3	
Probation	10	40.0%	Hispanic	2	2	

Outcomes – Prison

The following provides an average of time served for youth sentenced to prison:

Time Imposed	# Offenders	Average Time Served*
5 Years	3	2.4 Years
10 Years	7	2.7 Years
25 Years	2	5.1 Years
Life	2	NA

*Anyone still in prison was not factored into the averages

Of the 14 youth sentenced to prison; four returned to prison a second time, two are currently on probation/parole, four discharged, and four are still in prison. The youth placed in jail was placed on probation and successfully completed. Of the four youth discharged from prison, two offenders had new charges. Six youth of the 14 sentenced either obtained new charges and/or returned to prison, resulting in a recidivism rate of 42.9%.

Outcomes - Probation

Of the ten youth placed on probation, three youth successfully completed probation and were discharged, and seven youth were revoked and sentenced to prison, a recidivism rate of 70%. Those youth sent to prison who completed their sentence served an average of 3.1 years. There are two youth still serving sentences and one youth who served a prison term, was placed on probation, was later sentenced a second time to prison, and is still incarcerated. Of the three youth who successfully completed their initial term of probation; two offenders have had no new charges and one offender was convicted, placed on probation, subsequently revoked and was sent to prison. Only two youth out of the initial ten sentenced to probation have had no new contact with the adult system, resulting in a rate of recidivism of 80%. *Overall, the recidivism rate for youth statutorily excluded and convicted in adult court was 56%.*

2. Adult Waivers

Below are youth who were waived to adult court along with the offense that likely led to the request for waiver. Youth may or may not have been convicted of these charges in adult court. Data and outcomes are provided for youth age 15 at time of waiver and youth above the age of 15. There were no youth below the age of 15 waived to adult court during SFY05.

Data – Age 15

Gender	N	%	**Most Serious Offense**	N	%
Male	3	75.0%	FELC	3	75.0%
Female	1	25.0%	AGMS	1	25.0%
Race			**Conviction**		
Caucasian	2	50.0%	Acquitted/Dismissed	2	50.0%
African-American	2	50.0%	Probation	2	50.0%

Of the three youth with felony charges, all of them were forcible felonies and would have resulted in mandatory exclusion had they been above the age of 15. The average time between offense date and sentencing was 118 days.

Data – Age 16+

Counts below include only youth who were waived to adult court at the discretion of the juvenile court, no those statutorily waived and convicted during SFY05. While youth may have had more than one request for waiver during SFY05 the counts below provide a unique count of youth waived.

Gender	N	%	**Age at Waiver**	N	%
Male	550	83.3%	16	23	3.5%
Female	110	16.7%	17	459	69.5%
			18+	178	27.0%
Race			**Most Serious Adjudicated Offense**		
Caucasian	530	80.3%	FELB	13	2.0%
African-American	71	10.8%	FELC	47	7.1%
Hispanic	46	7.0%	FELD	156	23.6%
Native American	7	1.1%	OTHER FEL	1	0.2%
Asian	3	0.5%	AGMS	87	13.2%
Other	3	0.5%	SRMS	206	31.2%
			SMMS	150	22.7%

Outcomes- Age 15

Of the four youth waived, two youth were subsequently placed on youthful offender status, one youth was later convicted of a felony assault charge and sentenced to prison and one youth had no new charges. This results in a rate of recidivism of 25%.

Outcomes – Age 16+

Of the 660 youth waived to adult court during SFY05, there were 520 matched youth with 887 disposed convictions in adult court between SFY05 and SFY06 (it was assumed that any convictions after SFY06 would not have been tied to the waiver in SFY05). Cases were matched by name and date of birth and only criminal charges were included; violations of probation were excluded. Some matches may not have been made due to data entry errors, low level offenses, or records may have existed outside of the date parameters reviewed. While there may have been more than one waiver and more than one disposition for any given

youth, the data reported here include only the first waiver requested during SFY05 and the charge disposition(s) linked to the waiver.

Disposition	N	%	Convicted Charge Class*	N	%
Guilty	541	61.0%	FELB	1	0.2%
Dismissed/Deferred	301	33.9%	FELC	11	2.0%
Not Filed	39	4.4%	FELD	39	7.2%
Withdrawn	4	0.5%	AGMS	88	16.3%
			SRMS	136	25.1%
			SMMS	266**	49.2%

*For the 541 guilty convictions

** 68 of these were for possession of alcohol, a simple misdemeanor offense in 2004 but now a scheduled violation.

As it is difficult to determine the specific charge that led to a request for waiver without individually reviewing cases, recidivism for youth ages 16 and older was determined by new convictions in adult court between six months post-waiver and SFY10. For purposes of determining recidivism, no consumption/possession of alcohol charges were included. Of the original 660 youth waived during SFY05, 442 youth were subsequently convicted of new offenses, a recidivism rate of 67.0%. Average time between waiver and subsequent disposition was 2.5 years. *The overall recidivism rate for youth, regardless of age, waived to adult court during SFY05 was 66.7%.*

3. Reverse Waivers

During SFY05, there were 24 youth waived to adult court on forcible felonies who were subsequently waived back to the jurisdiction of the juvenile court. While youth were waived on forcible felony charges, the court may have initiated a reverse waiver on a lesser charge.

Data

Gender	N	%	Age At Waiver	N	%
Male	23	95.8%	16	14	58.3%
Female	1	4.2%	17	7	29.2%
			18	3	12.5%

Race			Most Serious Adjudicated Charge		
Caucasian	15	62.5%	FELB	9	37.5%
African-American	6	25.0%	FELC	10	41.7%
Hispanic	2	8.3%	FELD	2	8.3%
Native American	1	4.2%	AGMS	1	4.2%
			SRMS	2	8.3%

Placements – The following includes *initial* placement in the juvenile system post waiver. One youth was placed on an interstate compact and is not included.

Placement	N	%	Average Stay	Days
Detention	7	29.2%	Detention	35.4
State Training School	8	33.3%	State Training School	279.8
Four Oaks-STOP	2	8.3%	Four Oaks-STOP	454.5
Probation/Cons Decree	4	16.7%		
Return to Adult Court	2	8.3%		

The Four Oaks STOP program is a residential treatment program for males with sexual behavior problems. While the average number of days placed in detention was 35, four of the seven youth were detained less than four days. Average time between waiver to juvenile court and adjudication was 70.5 days. In most cases, youth were placed in the facilities mentioned above almost immediately upon adjudication.

Outcomes

Of the 24 youth waived to the jurisdiction of the juvenile court, three youth were adjudicated on new offenses post waiver, *a recidivism rate of 12.5%.* All three were male, two were Caucasian and one was Native American. There were eight new offenses with offense level as follows:

	N	%
FELD	1	12.5%
AGMS	2	25.0%
SRMS	3	37.5%
SMMS	2	25.0%

Since it was determined that these 24 youth would be better served by the juvenile court, the following includes the number of youth who were subsequently convicted in adult court, rate of recidivism, and the average time between waiver and adult conviction. As noted in the table below, nearly 46% of youth on reverse waivers were later convicted in adult court.

Adult Convictions	N	% Recidivism	Average Time Until Conviction(in years)
Male	10	43.5%	2.9
Female	1	100%	3.2
Caucasian	7	46.7%	2.5
African-American	4	66.7%	3.6
Total	**11**	**45.8%**	**2.9**

Of the 11 youth convicted in adult court, eight were placed on probation and three were sentenced to prison.

4. Youthful Offenders

Since there are few youth placed on youthful offender status, the cohort below included a time period of July 1, 2004 through June 30, 2006. During this two-year span, there were a total of seven youth placed under youthful offender supervision. The most serious charge is the adjudicated offense that led to the waiver request.

Data

Gender	N	%	**Age At Offense**	N	%
Male	4	57.1%	14	2	28.6%
Female	3	42.9%	15	5	71.4%
Race			**Most Serious Adjudicated Charge**		
Caucasian	1	14.3%	FELB	2	28.6%
African-American	5	71.4%	FELC	3	42.9%
Hispanic*	1	14.3%	FELD	2	28.6%

*Note – This youth was not entered into the ICIS system as a youthful offender. Upon further research it was discovered that he was placed on youthful offender status and sent to the state training school and is, therefore, being counted in this cohort.

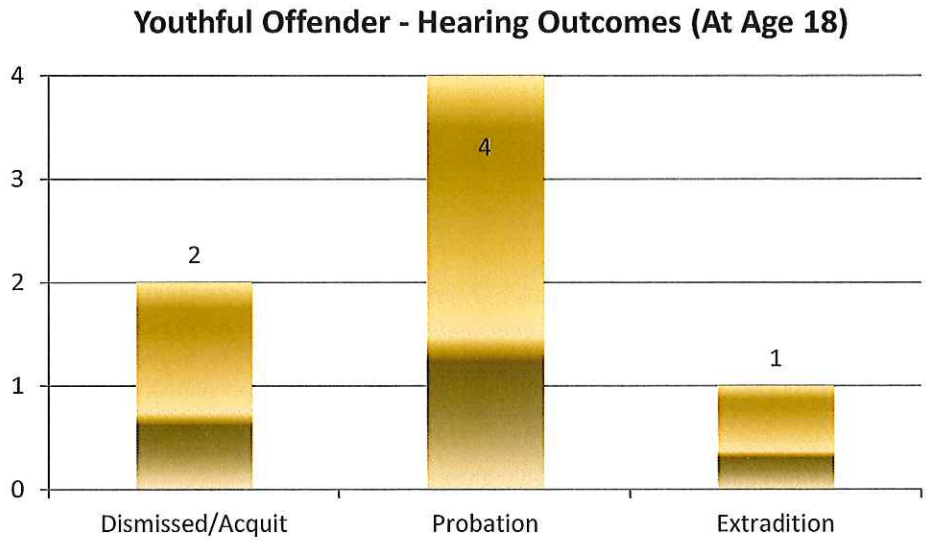
The following are placements for youth after being placed on youthful offender status. There were multiple placements for the seven youth and average length of stay was reported in days.

Placements	N	Average Stay (In Days)
Group Home	3	130.7
Residential	2	739.5
Independent Living	1	361.0
Shelter	1	2.0
Detention	5	14.4
State Training School	2	451.0

The average time between offense date and being placed on youthful offender status was 118 days. In most cases, youth were placed in the above facilities within 10 days of disposition.

Outcomes

Of the seven youth placed on youthful offender status between SFY05 and SFY06, five youth had no new charges while placed under the jurisdiction of the juvenile court and two youth committed subsequent offenses and were waived to adult court during 2007, *a recidivism rate of 28.6%*. Youthful offenders remain under the purview of the juvenile court until the age of 18, at which time a hearing takes place to determine whether the offender may be released or further supervision by the adult system is necessary. Upon reaching the age of 18, the following was decided by the courts regarding the seven youthful offenders.



Of the youthful offenders, two offenders had their cases dismissed, one was extradited, three completed probation, and one offender remains on probation.

4A. Youthful Offender Comparison Cohort

An additional cohort was reviewed for youth similarly situated to the group of youthful offenders, however, the following youth were *not* initially waived to adult court after committing a forcible felony. Where possible, this cohort was controlled for gender, race, age, and offense class.

Data

Gender	N	%	**Age**	N	%
Male	4	57.1%	14	4	57.1%
Female	3	42.9%	15	3	42.9%

Race			**Adjudicated Offense Class**		
Caucasian	2	28.6%	FELB	2	28.6%
African-American	4	57.1%	FELC	3	42.9%
Hispanic	1	14.3%	FELD	2	28.6%

The following are placements for youth post-adjudication. There were multiple placements for the seven youth and average length of stay was reported in days.

Placements	N	Average Stay(In Days)
Boot Camp	1	91.0
Detention	11	11.7
Group Home	3	141.3
Residential	3	334.0
Shelter	1	85.0
Training School	4	302.3

Outcomes

Of the seven youth in the comparison cohort, five of the youth had new adjudicated charges resulting in a recidivism rate of 71.4%. Four of these youth were subsequently waived to adult court. Youth who are waived to adult court and placed on youthful offender status appear to have a much lower rate of recidivism when compared to similarly situated youth not waived to adult court. Both groups were placed in restrictive placements post adjudication and more than half of the cohort not *initially* waived to adult court ending up being waived at a later date. Of the four youth waived to adult court on later charges, two were placed on probation and two were sentenced to prison.

Discussion

Research suggests that higher recidivism rates are found with offenders handled in the adult system compared to youth supervised within the juvenile system. Outcomes for youth in Iowa during the given timeframe appear to support the research, but it must be noted that one short-coming of this study was sample size for both the cohort waived to adult court (n=4) and the cohort of youthful offenders (n=7). While counts were quite low, this is consistent with the historical pattern, as few youth under the age of 16 come into contact with adult court and this pattern has not changed substantially since 2005. Recidivism rates for each of the four cohorts were:

	Recidivism		
Cohort	**Juvenile**	**Adult**	
Mandatory Exclusions	NA	56.0%	(42.9% Prison / 80.0% Probation)
Waivers to Adult Court	NA	66.7%	(25.0% Age 15 / 67.0% Age 16+)
Reverse Waivers	12.5%	45.8%	
Youthful Offenders	28.6%	NA	

Points for Discussion

1. Recidivism rates for youth supervised by the juvenile courts were lower than rates for youth supervised by the adult courts. Youth placed on probation by the adult court had the highest rate of recidivism (80%) of any group in this study, while youth age 16 or older waived to adult court also had a very high rate of reconviction at 67%.
2. While very few youth are placed on youthful offender status, these youth tend to have fairly low rates of recidivism. Five of the six youth reviewed had no new offenses while under juvenile court supervision, while one youth was subsequently convicted in adult court nearly four years later. In a comparison group of youth ages 14 and 15 who were adjudicated on forcible felony charges but not waived to adult court, the recidivism rate within the juvenile system was 71%.
3. As for youth on reverse waivers, recidivism within the juvenile system was much lower than recidivism within the adult system. What then might this be attributed to? Of the 24 youth on reverse waivers, 16 of them were placed for prolonged periods of time in restrictive placements (state training school, detention or treatment program). Of these 16, ten youth subsequently received convictions in adult court; seven of these were placed on probation and three were sentenced to prison. Of the eight youth where no restrictive placements were found, one youth was placed on probation and successfully discharged. This tends to suggest that youth placed in restrictive settings have an increased tendency for recidivism (although being identified as high risk may also have contributed to restrictive placement).
4. Research suggests that youth waived to adult court have longer case processing times and ultimately receive less severe sentencing as compared to youth in juvenile court. The average time for case processing for youth direct filed in this study was 179 days; for youth age 15 waived to adult court processing time was 118 days. Youth on reverse waivers were adjudicated within an average of 71 days and youth placed on youthful offender status were processed within an average of 118 days. As for severity of sentencing, of the 29 youth processed in adult court, 15 were incarcerated and 14 were either placed on probation or the case was dismissed. Of the 31 youth who remained under supervision of the juvenile court, 23 were sent to restrictive placements such as group care, detention or state training school, most of which occurred within days of waiver or adjudication. This suggests that a higher percentage of youth under the purview of juvenile court receive more prompt "sentencing" and more restrictive placements.

5. From a perspective of race, minority overrepresentation was identified in each cohort. The percentage of African-American youth at complaint was 13.5%, while Hispanics comprised 5.4% of youth at complaint. Representation of these two groups in each of the cohorts is as follows:

	African-American	Hispanic
Mandatory Exclusion	24.0%	16.0%
Adult Court Waiver	40.0%	20.0%
Reverse Waiver	25.0%	8.3%
Youthful Offender	83.3%	0.0%

   Most notably, during SFY05, the largest percentage of youth placed on youthful offender status was African-American. A review of youthful offenders between SFY05 and SFY10 indicates the same pattern, as all youthful offenders during this timeframe were minorities.

6. There is a need to ensure that Iowa remains in compliance with both the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and State of Iowa Code §356.3 regarding housing youth in adult facilities. Youth under the age of 18 placed on youthful offender status for a misdemeanor offense cannot be held in adult facilities; however, youth under the age of 18 placed on youthful offender status for a felony offense can be held in adult facilities *if* they are sight and sound separated.

Summation

Recent research indicates that waiving juvenile cases to adult court can be harmful and lead to greater recidivism; the results from this study support the research. This study supports the premise that youth maintained by the adult court, whether on mandatory exclusions or adult court waiver, have fairly high rates of reconviction. While youth on reverse waivers had a very low rate of recidivism while under juvenile court supervision, they had a nearly 46% conviction rate on the adult side once they aged out. This suggests that either these youth were not truly rehabilitated or possibly they had already been through adult court and were not deterred by it. The final group, youthful offenders, also had a low incidence of recidivism which seems to open the door to further exploration of this infrequently used sentencing option.

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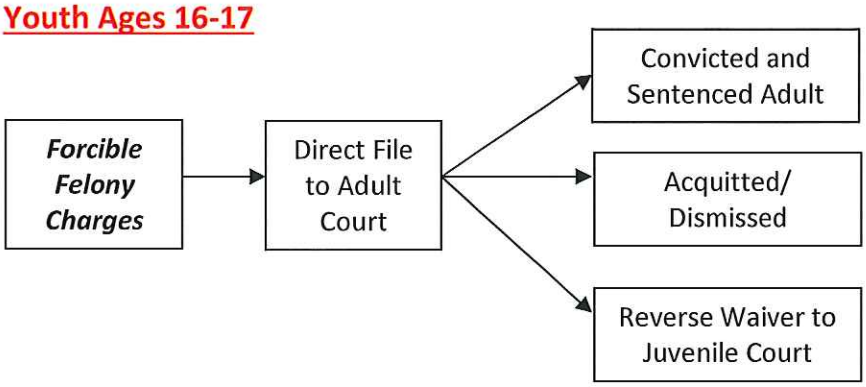
Appendix A – Forcible Felonies

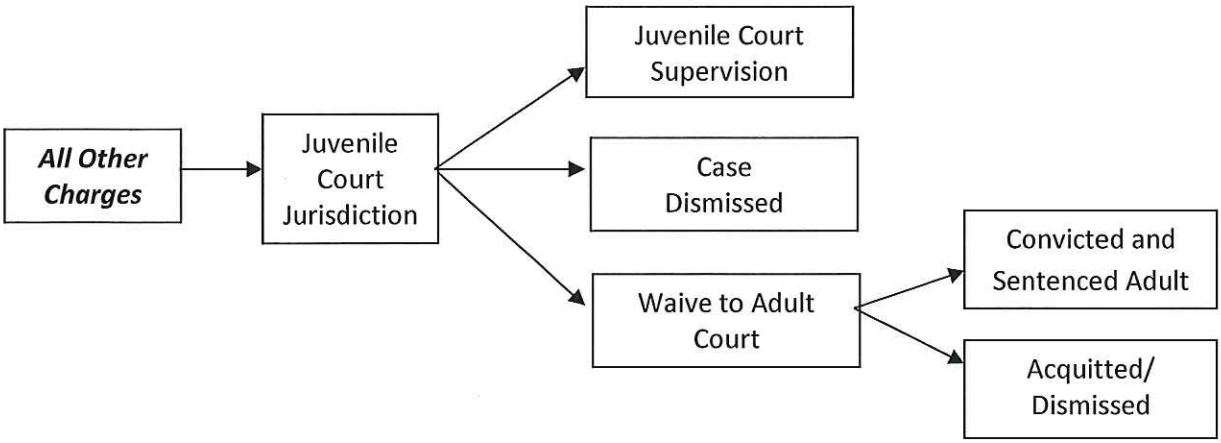
Code	Offense Description	Crime Code Class	Offense Type	Offense Subtype
707.11	ATTEMPTED MURDER	B Felony	Violent	Murder/Manslaughter
707.2	MURDER 1ST DEGREE	A Felony	Violent	Murder/Manslaughter
707.3	MURDER - 2ND DEGREE	B Felony	Violent	Murder/Manslaughter
707.4	VOLUNTARY MANSLAUGHTER	C Felony	Violent	Murder/Manslaughter
708.2(4)-A	ASSAULT CAUSING SERIOUS INJURY	D Felony	Violent	Assault
708.2(5)	ASSAULT	C Felony	Violent	Assault
708.2A(4)	DOMESTIC ABUSE ASSLT - 3RD OR SUBSEQ OFFENSE	D Felony	Violent	Assault
708.2C(2)	ASSAULT INTENT OF INJURY, VIOL OF INDIV RIGHTS	D Felony	Violent	Assault
708.2C(4)	ASSAULT WITH A WEAPON, VIOL OF INDIV RIGHTS	D Felony	Violent	Assault
708.3(A)	ASSLT WHILE PARTIC. IN FELONY	C Felony	Violent	Assault
708.3(B)	ASSLT WHILE PARTIC. IN FELONY	D Felony	Violent	Assault
708.3A(1)	ASSAULT INTENT OF INJURY PEACE OFFICER/OTHERS	D Felony	Violent	Assault
708.3A(2)	ASSAULT WITH WEAPON--PEACE OFFICERS/OTHERS	D Felony	Violent	Assault
708.3B(1)	INMATE ASSAULT ON EMP OF CORRECTION FACILITY	D Felony	Violent	Assault
708.4(1)	WILLFUL INJURY - CAUSING SERIOUS INJURY	C Felony	Violent	Assault
708.5	ADMINISTER HARMFUL SUBSTANCE	D Felony	Violent	Assault
708.6-1	INTIMIDATION WITH A DANGEROUS WEAPON	C Felony	Violent	Assault
708.6-2	INTIMIDATION WITH A DANGEROUS WEAPON	D Felony	Violent	Assault
708A.2	TERRORISM	B Felony	Violent	Assault
709.11(A)	ASSAULT TO COMMIT SEX ABUSE/SERIOUS INJURY	C Felony	Violent	Sex
709.11(B)	ASSAULT TO COMMIT SEX ABUSE/INJURY	D Felony	Violent	Sex
709.2-2	SEXUAL ABUSE 1ST DEGREE	A Felony	Violent	Sex
709.3	SEXUAL ABUSE 2ND DEGREE	B Felony	Violent	Sex
709.4	SEXUAL ABUSE 3RD DEGREE	C Felony	Violent	Sex
710.2	KIDNAPPING 1ST DEGREE	A Felony	Violent	Kidnap
710.3	KIDNAPPING 2ND DEGREE	B Felony	Violent	Kidnap
710.4	KIDNAPPING 3RD DEGREE	C Felony	Violent	Kidnap
711.2-2	ROBBERY 1ST DEGREE	B Felony	Violent	Robbery
711.3-2	ROBBERY 2ND DEGREE	C Felony	Violent	Robbery
712.2-A	ARSON 1ST DEGREE	B Felony	Property	Arson
713.3-3	BURGLARY 1ST DEGREE	B Felony	Violent	Other Violent
719.1(1)C	INTERFERENCE W/OFFICIAL ACTS, SERIOUS INJURY	D Felony	Violent	Assault
719.1(1)D	INTERFERE W/OFFICIAL ACTS, DANGEROUS WEAPON	D Felony	Violent	Assault
719.1(2)C	INTERFERENCE W/CORR. WORKER, BODILY INJURY	D Felony	Violent	Assault
719.1(2)D	INTERFERENCE W/CORR. WORKER, FIREARM	C Felony	Violent	Assault
726.6(4)	CHILD ENDANGERMENT RESULTING IN DEATH	B Felony	Violent	Assault
726.6(5)	CHILD ENDANGERMENT SERIOUS INJURY	C Felony	Violent	Assault
726.(6)-A	CHILD ENDANGERMENT BODILY INJURY	B Felony	Violent	Assault

Appendix B – System Flowchart – Waiver Process By Age

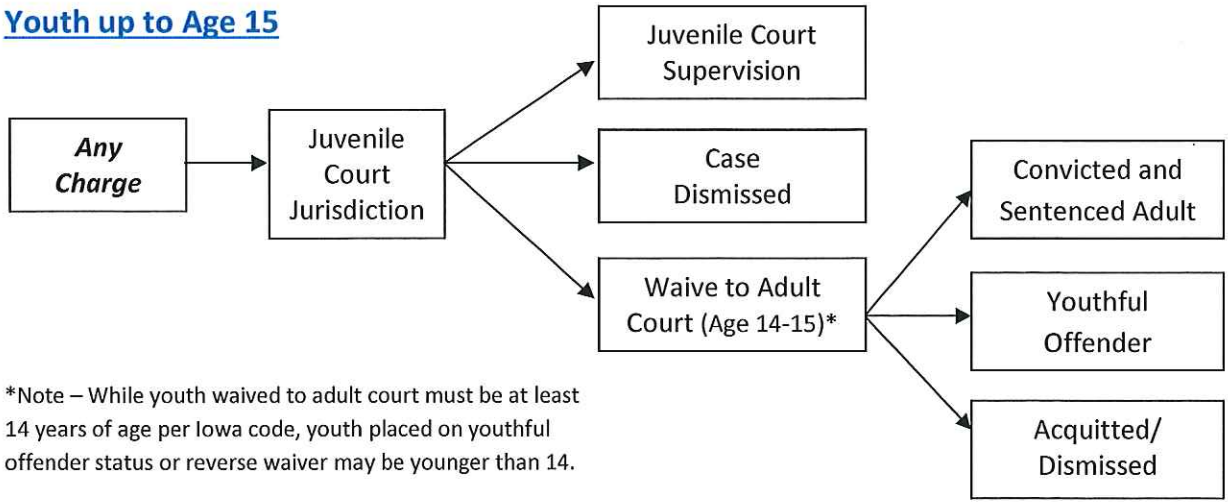
Note – The diagram includes *initial* decision point options only

Youth Ages 16-17





Youth up to Age 15



*Note – While youth waived to adult court must be at least 14 years of age per Iowa code, youth placed on youthful offender status or reverse waiver may be younger than 14.

APPENDIX 2

Iowa Department of Corrections

Return on Investment: Evidence-Based Options to Improve Outcomes

May 2012

Introduction

The Iowa Department of Management requested the Iowa Department of Corrections to accept the Pew Center on the States' invitation to be trained in assessing the return on investment to taxpayers from criminal justice programs utilized by the State of Iowa. Using the Results First model, a nationally recognized, peer-reviewed tool developed by the Washington State Institute for Public Policy (WSIPP), the Department of Corrections has calculated the rate of return on investment for Iowa adult offender programs for each program area included in the model.

This report summarizes findings by three program areas: institutional programs, community programs for prison releasees, and community programs for higher risk probationers. Analyses show that a vast majority of the adult criminal justice programs employed by the State of Iowa yield positive rates of return on investment, meaning that the benefits outweigh the costs of operating the programs.

The Iowa Department of Corrections is committed to evidence-based practices, and in the past has ceased operating some programs that were not effective. This report replicates findings of the Washington State Institute for Public Policy, that batterers' education programs in the community are not effective in reducing recidivism for domestic abusers. In response, several district departments of correctional services are piloting a new program aimed at treating domestic abusers, and are participating in research to determine whether the new program is effective.

Background

Cost-Benefit Analysis

Cost-benefit analysis is an economic tool that allows policymakers to make informed decisions about the effectiveness of programs and policies. This form of analysis allows policymakers to compare the monetary benefits of a program or policy against costs over a period of time. If the benefits outweigh the costs, a program or policy is considered cost-effective.[1]

The Results First Model

In 2010, the Pew Center on the States and the Washington State Institute for Public Policy partnered to develop a cost-benefit tool for states that was capable of identifying criminal justice programs that represent prudent taxpayer investments. The Results First model for states is based on the original WSIPP model, which is the culmination of over a decade of experience identifying evidence-based policy strategies using data to institute reforms. The Results First model is capable of examining the effect of reducing the average daily prison population and reinvesting the money saved into evidence-based criminal justice programming. The intent of the model is to allow policymakers to test different combinations of program and policy choices to make the best use of taxpayer dollars, while protecting or even improving public safety.[2]

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[1] Cost-Benefit Knowledge Bank for Criminal Justice. Accessed April 3, 2011 from http://cbkb.org/basics/.

[2] S. Aos & E. Drake (2010). *WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections*. Olympia: Washington State Institute for Public Policy, Document No. 10-08-1201.

Summary of Findings

The following subsections summarize findings by three programs areas:

- Institutional Programs
- Community Programs for Prison Releasees
- Community Programs for Higher Risk Probationers

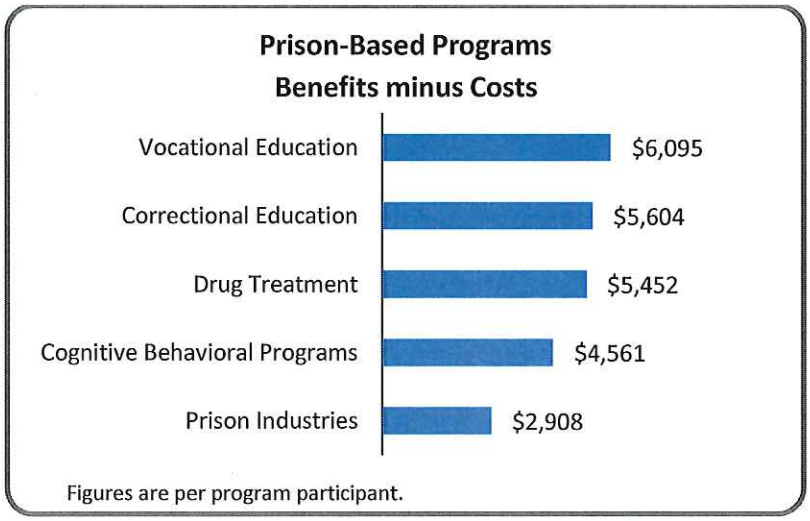
This summary ranks programs on two measures:

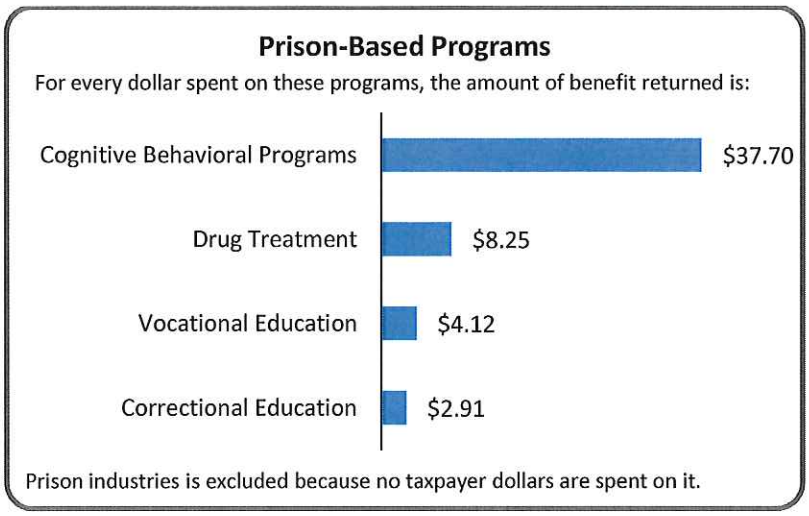
- **Benefits minus Costs**. Benefits include both taxpayer and crime victim benefits. Costs are as compared to "business as usual."
- **Benefit to Cost Ratio.** The amount of dollars returned in benefits for every dollar spent on a program.

See p. 5 for a chart containing complete statistics and numbers of offenders served in each program during calendar year 2011.

Institutional Programs

Five institutional program areas are included in the Results First model: vocational education, correctional education (basic or post-secondary), drug treatment, cognitive behavioral programs and prison industries. Benefits for all these programs exceed costs, ranging from $6,095 for vocation education to $2,908 for prison industries. The benefit-to-cost ratios indicate all represent good investments. Cognitive behavioral programs are very inexpensive to run, returning $37.70 for every dollar spent.





About this Report

This report represents the first product of the Iowa Results First Model being explored by the Iowa Public Safety Advisory Board. The report was prepared by Lettie Prell, Director of Research, Iowa Department of Corrections and Sarah Wittig Galgano, research assistant. They are solely responsible for its contents.

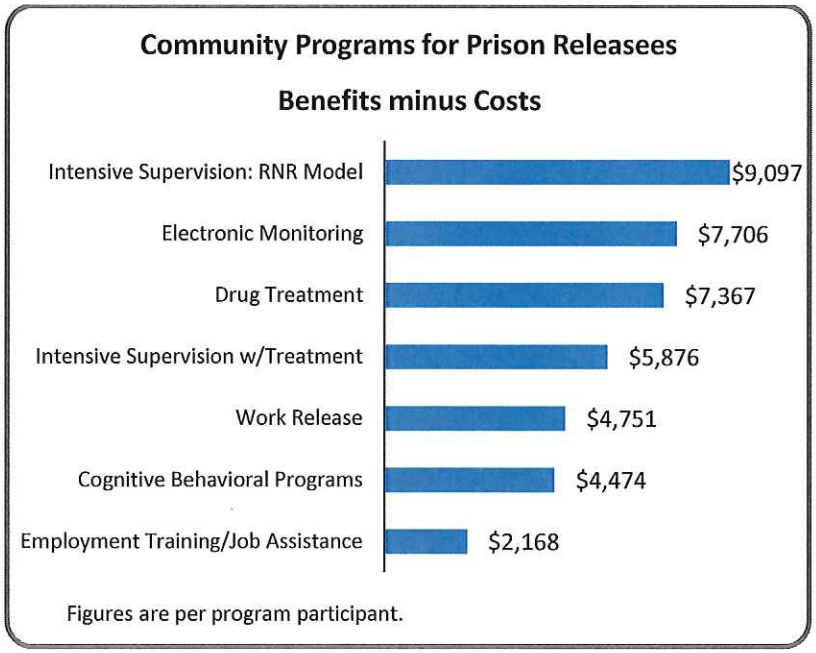
The authors would like to thank the following agencies for providing data and other information, and in some cases lending their expertise:

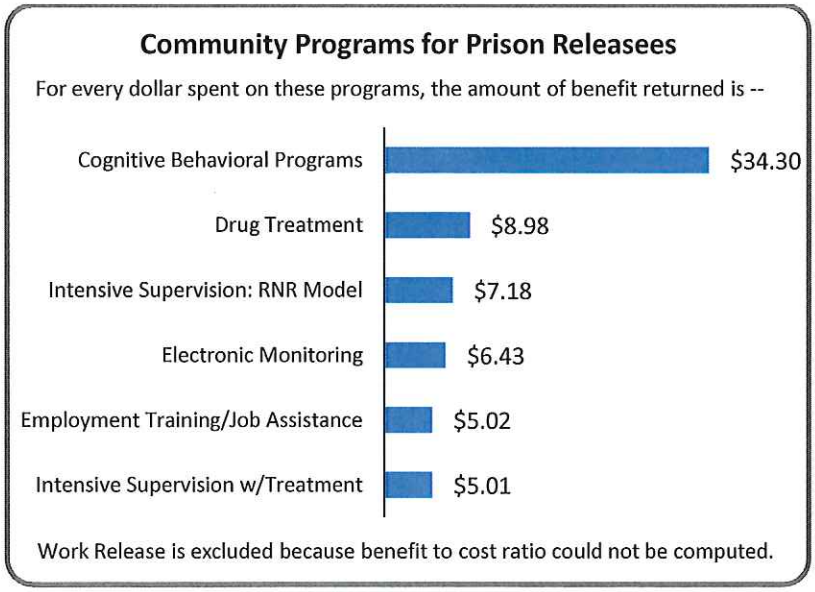
- Iowa Department of Management
- Iowa Department of Public Health
- Iowa Department of Public Safety
- Iowa Division of Criminal & Juvenile Justice Planning
- Judicial Branch
- Judicial District Departments of Correctional Services
- Legislative Services Agency, Iowa Legislature
- Substance abuse treatment agencies ADDS and SIEDA.

The authors would also like to thank the following agencies for providing training, technical assistance and advice during the development of the Iowa Results First Model:

- Pew Center on the States, Results First
- Washington State Institute for Public Policy (WSIPP)

The Results First Model is based on the WSIPP Benefit-Cost Tool. More information on this tool may be found here: http://www.wsipp.wa.gov/.





More About Costs & Benefits

- All cost data and benefit calculations are based on Iowa data.
- **Benefit Time Frame.** All statistics, such as benefits minus costs, are realized over a ten-year time period and are expressed in 2011 dollars (i.e., life-cycle, present values).
- **Taxpayer benefits** are the state and local resources avoided as a result of a program that reduces future crime to include arrest, prosecution/courts, jail, and corrections custody/supervision.
- **Crime victim benefits** are the monetized value of avoided victimizations as a result of the program, for example medical and mental health care expenses, property damage and losses, and reduction in future earnings incurred by crime victims.
- **Program costs** are those above "business as usual."

Community Programs for Prison Releasees

Seven community-based program areas included in the Results First model are commonly targeted to prison releasees: intensive supervision using the Risk Need Responsivity (RNR) Model, electronic monitoring, drug treatment, intensive supervision with treatment, work release, cognitive behavioral programs, and employment training/job assistance. Benefits for all these programs exceed costs, ranging from $9,097 for Intensive Supervision using the RNR model, to $2,168 for employment training/job assistance. The benefit-to-cost ratios indicate all represent good investments. Cognitive behavioral programs are very inexpensive to run, returning $34.30 for every dollar spent.

Risk Need Responsivity Model & Evidence-Based Caseload Size

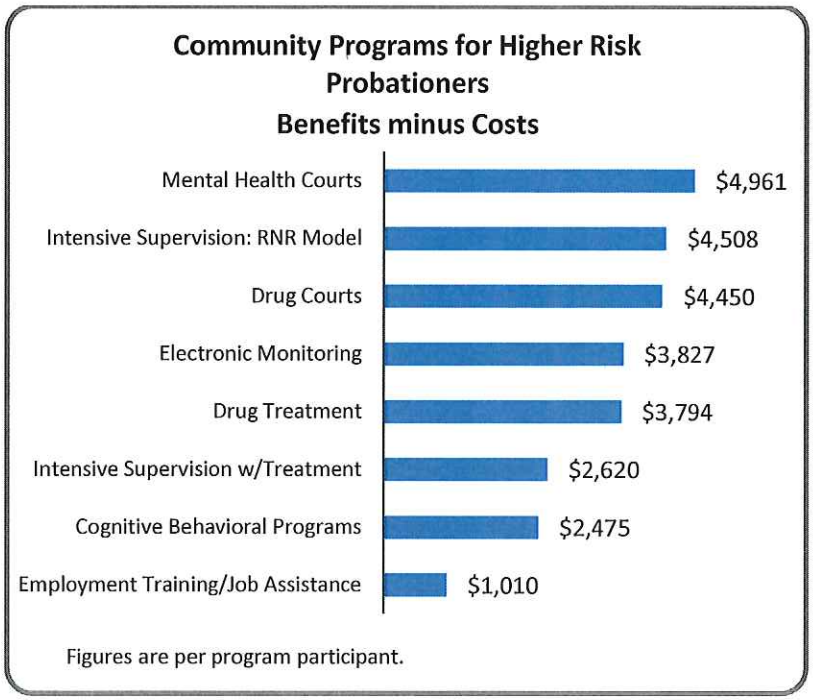
Andrews, Bonta, and Hodge (1990) developed the Risk Need Responsivity (RNR) model. It is based on three principles:

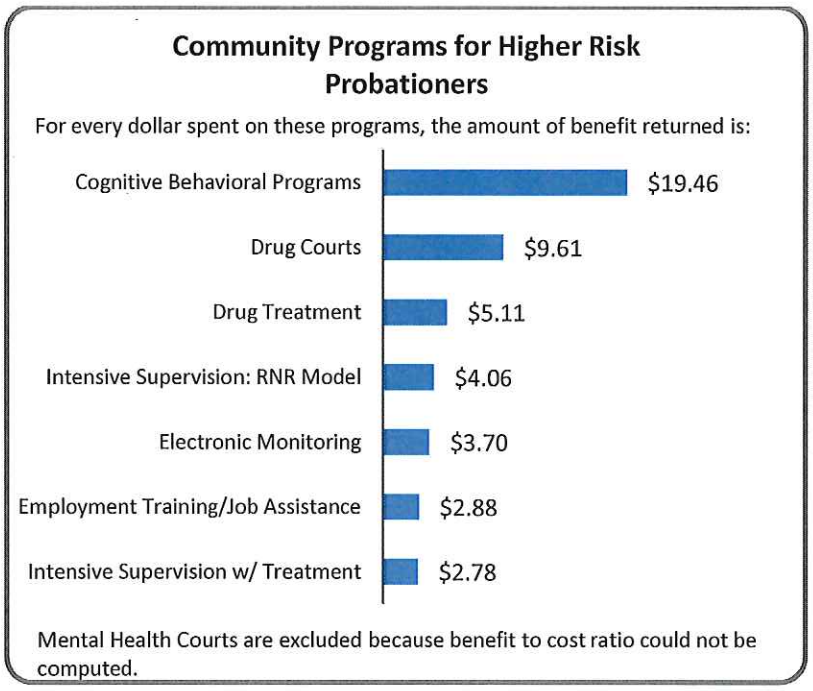
- *Risk Principle.* An offender's level of service should reflect their risk of recidivism.
- *Need Principle.* An offender's criminogenic needs should be assessed and targeted for treatment, with higher risk offenders receiving the most intensive treatment.
- *Responsivity Principle.* The type of intervention should correspond with the offender's strengths and motivations.

The RNR model typically supports cognitive behavioral or social learning treatments.

The effectiveness of the RNR model shown in this report is based in part on research of offenders supervised in Polk County by Abt Associates that also included findings of an optimal caseload size in order to effectively deliver RNR. The researchers found that an intensive supervision caseload size of 30 offenders per officer (compared with a caseload of 50 offenders) reduces overall recidivism by 25.5% for a new crime and reduces the rate of recidivism for new property and violent crimes by 45%.

Iowa's intensive supervision programs all incorporate treatment; however, not all programs may adhere to the RNR model nor be able to maintain the optimal caseload size.





Program Fidelity

The results shown in this report are based on a summary of good, sound research evaluations including those conducted on Iowa offenders. Simply put, well-run programs will achieve these results or better. Poorly run programs will not.

The Iowa Department of Corrections has evaluated the degree to which institutional and community-based corrections programs adhere to evidence-based principles. Improvement plans are in place for a number of programs.

Community Programs for Higher Risk Probationers

Eight community-based program areas included in the Results First model are commonly targeted to higher risk probationers: intensive supervision using the Risk Need Responsivity (RNR) Model, drug courts, mental health courts, electronic monitoring, drug treatment, intensive supervision with treatment, cognitive behavioral programs, and employment training/job assistance. Benefits for all these programs exceed costs, ranging from $4,961 for mental health courts, to $1,010 for employment training/job assistance. The benefit-to-cost ratios indicate all represent good investments. Cognitive behavioral programs are very inexpensive to run, returning $19.46 for every dollar spent.

The lower numbers for many program areas here compared to the previous page does not mean these programs are less effective in treating probationers compared to prison releasees. Rather, prison releasees tend to have higher rates of reconviction compared to probationers, so treating prison releasees produces more benefits in terms of reduced crime. Similarly, to the extent these programs are delivered to probationers assessed as lower risk, less benefit to taxpayers – or no benefit at all – will result. For the Iowa Results First Model, higher risk probationers were defined as those offenders who were supervised at the high normal level of supervision or intensive supervision during at least a portion of their supervision period.

Ineffective Programs

The Results First model includes analysis of Domestic Violence Perpetrator Treatment Programs of a type used in Iowa community-based corrections. As shown on the following page, this program area is a waste of taxpayer dollars. Several district departments of correctional services are currently piloting a new program for domestic abusers, and are participating in research to determine whether the new program is effective.

While not in the current model, past analysis by the Washington State Institute for Public Policy has found a number of programs for adult offenders to be ineffective. One class of programs called Life Skills Education is common in Iowa's prisons and community-based corrections. Life skills education includes classes in financial management, parenting, relationships, substance abuse education, and other topics. There may be sound objectives other than reducing recidivism to continue to operate at least some of these programs. However, a review should be conducted to identify those that are not worth running, and funnel those resources into the programs that are a better investment for Iowa's taxpayers.

Further Analysis of Programs Needed

The Washington State Institute for Public Policy is currently reviewing the effectiveness of sex offender treatment, and we anticipate being able to analyze the costs and benefits of this program in Iowa within the next year. Analysis of other programs for Iowa adult offenders is also needed, including mental health treatment (other than mental health court); dual diagnosis programs, mentoring and offender reentry programs.

Conclusion

Using the Results First cost-benefit model, the Iowa Department of Corrections assessed the rate of return Iowa taxpayers receive from investment in the State's adult criminal justice programs. Findings indicate most of the State's programs yield positive returns on investment. Expansion of these programs to serve additional prison inmates, prison releasees and higher risk probationers would further reduce admissions to jails and prisons and keep Iowans safer.

Topic Area/Program	Monetary Benefits		Costs	Summary Statistics				
Benefits and costs are life-cycle, present values per participant in 2011 dollars.	Total Benefits	Taxpayer Benefits Only	(Above "Business as Usual")	Benefits Minus Costs	Benefit to Cost Ratio	Rate of Return on Investment	Measure of Risk (odds of a net present value)	Offenders Served in Calendar 2011
Institutional Programs:								
Vocational Education in Prison	$ 8,052	$ 2,317	$ (1,957)	$ 6,095	$ 4.12	43%	100%	226
Correctional Education in Prison	$ 8,540	$ 2,462	$ (2,936)	$ 5,604	$ 2.91	29%	100%	2,981
Drug Treatment in Prison	$ 6,205	$ 1,799	$ (753)	$ 5,452	$ 8.25	93%	100%	1,454
Cognitive Behavioral Programs in Prison	$ 4,686	$ 1,349	$ (124)	$ 4,561	$ 37.70	1731%	99%	1,577
Correctional Industries in Prison	$ 2,906	$ 839	--	$ 2,908	--	--	100%	1,400
Community Programs for Prison Releasees:								
Intensive Supervision: with RNR Model	$ 10,570	$ 3,058	$ (1,473)	$ 9,097	$ 7.18	79%	100%	1,431*
Electronic Monitoring[1]	$ 9,126	$ 2,637	$ (1,420)	$ 7,706	$ 6.43	70%	100%	694
Drug Treatment in the community[2]	$ 8,291	$ 2,402	$ (924)	$ 7,367	$ 8.98	106%	100%	942
Intensive Supervision: with Treatment	$ 7,344	$ 2,121	$ (1,468)	$ 5,876	$ 5.01	53%	99%	1,431*
Work Release	$ 2,848	$ 825	$ 1,903	$ 4,751	n/e	n/e	100%	1,878
Cognitive Behavioral Programs in the community	$ 4,608	$ 1,334	$ (135)	$ 4,474	$ 34.30	1726%	99%	1,543
Community Employment Training/Job Assistance	$ 2,708	$ 781	$ (540)	$ 2,168	$ 5.02	55%	97%	unknown
Community Programs for Higher Risk Probationers:								
Mental Health Courts	$ 4,472	$ 1,211	$ 490	$ 4,961	n/e	n/e	100%	37
Intensive Supervision: with RNR Model	$ 5,980	$ 1,611	$ (1,473)	$ 4,508	$ 4.06	51%	100%	1,818*
Drug Courts - Adult[3]	$ 4,967	$ 1,344	$ (517)	$ 4,450	$ 9.61	225%	100%	653
Electronic Monitoring[1]	$ 5,249	$ 1,420	$ (1,423)	$ 3,827	$ 3.70	46%	100%	761
Drug Treatment in the community[2]	$ 4,719	$ 1,275	$ (925)	$ 3,794	$ 5.11	69%	100%	3,579
Intensive Supervision: with Treatment	$ 4,093	$ 1,108	$ 1,473	$ 2,620	$ 2.78	32%	97%	1,818*
Cognitive Behavioral Programs in the community	$ 2,609	$ 709	$ (134)	$ 2,475	$ 19.46	931%	99%	2,413
Community Employment Training/Job Assistance	$ 1,549	$ 418	$ (539)	$ 1,010	$ 2.88	34%	92%	unknown
Ineffective Programs:								
Domestic Violence Perpetrator Treatment Programs*	$ (977)	$ (286)	$ (328)	$ (1,305)	$ (2.99)	29%	21%	4,775

[1]GPS and radio frequency only.

[2]Inpatient/residential and outpatient treatment only. Treatment generally includes step-down and continuing care.

[3]Results shown are for Judge Model only and when used as an alternative to prison.

[4]This category includes a treatment model used in community batterers' education classes. A different model is used in the Iowa prison system that employs cognitive behavioral techniques.

*The extent to which all locations adhere to the RNR model has not yet been determined, and will depend upon ability to operate at the optimum caseload size per officer. Those locations not meeting the RNR Model standard are operating Intensive Supervision with Treatment.

APPENDIX 3

5/8/12

JUSTICE★CENTER
THE COUNCIL OF STATE GOVERNMENTS

Overview of How A Justice Reinvestment Approach Could Benefit Iowa

May 9, 2012

Marshall Clement, Division Director
Adam Hall, Policy Analyst

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Represents all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence

- Criminal Justice / Mental Health Consensus Project
- National Reentry Resource Center
- Justice Reinvestment

2

Overview

- Challenge Facing States and "What Works"

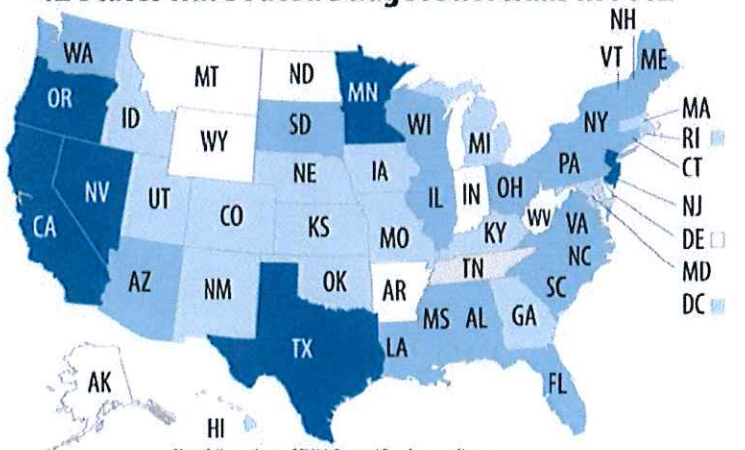
States Utilizing a Justice Reinvestment Approach

Next Steps

JUSTICE CENTER
The Council of State Governments

3

42 States Have Faced Budget Shortfalls in FY12

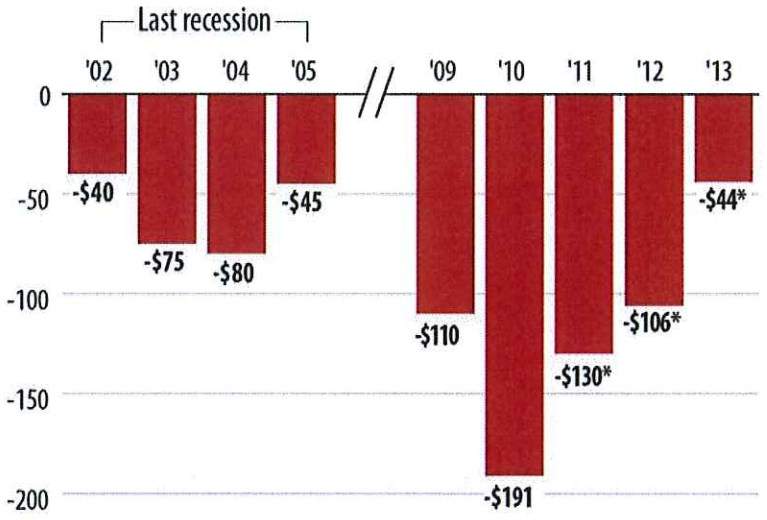


Source: CBPP survey.

Center on Budget and Policy Priorities

4

Total State Budget Shortfall in Each Fiscal Year, in Billions



*Reported to date

Source: CBPP survey, revised December 2011.

5

Stateline.org
STATE POLICY & POLITICS, UPDATED DAILY

For state prisons, cuts present new problems

By John Gramlich, Stateline Staff Writer

"We have no drug treatment programs at medium security or above (facilities)," says Justin Jones, director of the Oklahoma Department of Corrections. "We eliminated all sex offender treatment, even though it was mandated by statute."

FOXillinois.com

Probation officers hit by statewide budget cuts

CNN U.S.

Crime-ridden Camden, N.J., cuts police force nearly in half

The New York Times

Riding Along With the Cops in Murdertown, U.S.A.

There are only six patrolmen on duty for a Saturday night. So broke is Flint that the city laid off two-thirds of its police force in the last three years. The front desk looks like a dusty museum piece.

THE NATIONAL SUMMIT ON
JUSTICE REINVESTMENT AND PUBLIC SAFETY
Addressing Recidivism, Crime, and Corrections Spending

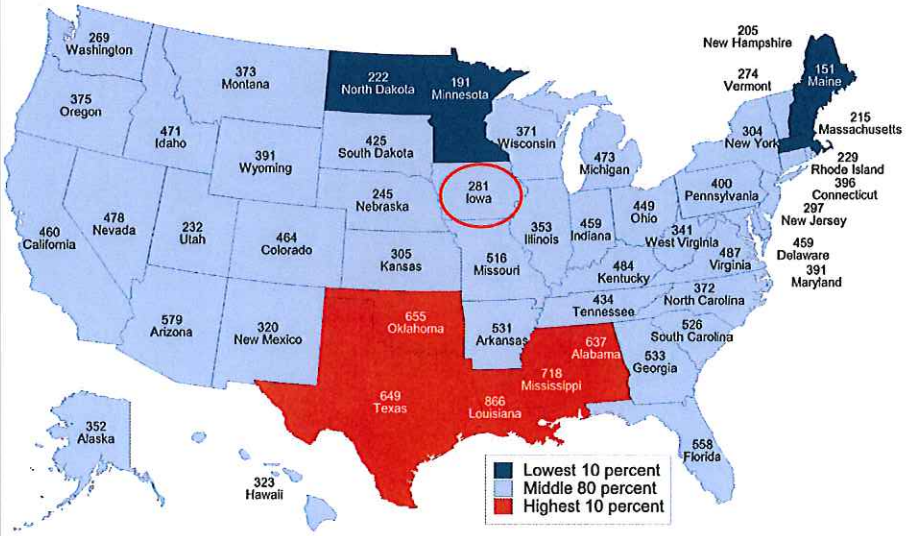
Principles for Cost-Effective Corrections Policies and Programs

1. Focus on the people most likely to commit more crime — *Who they are*
2. Use programs proven to work & ensure they are high quality — *What they do*
3. Deploy supervision policies and practices that balance sanctions and treatment — *How they are supervised*
4. Target places where crime and recidivism rates are the highest — *Where they return*

JUSTICE CENTER The Council of State Governments · BJA · The PEW Center on the States · Public Welfare Foundation

7

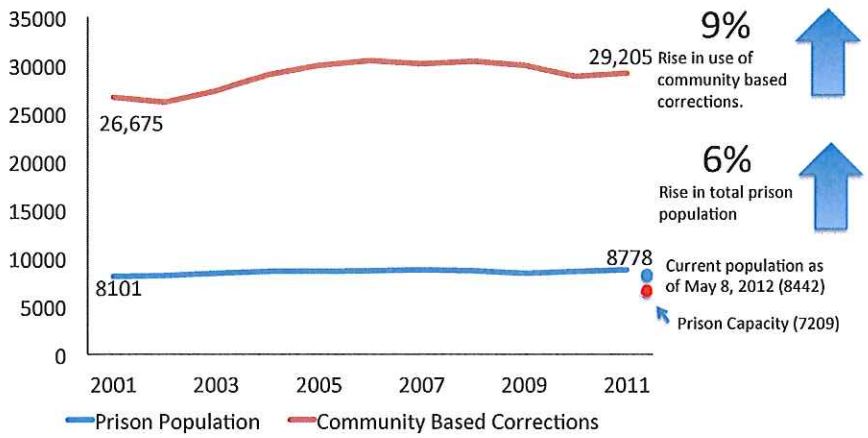
Incarceration Rates in 2009 Indicate Iowa Is In The Mid-Range Rate Compared to Other States



• Incarceration rate per 100,000 residents as reported by BJS, Prisoners in USA

8

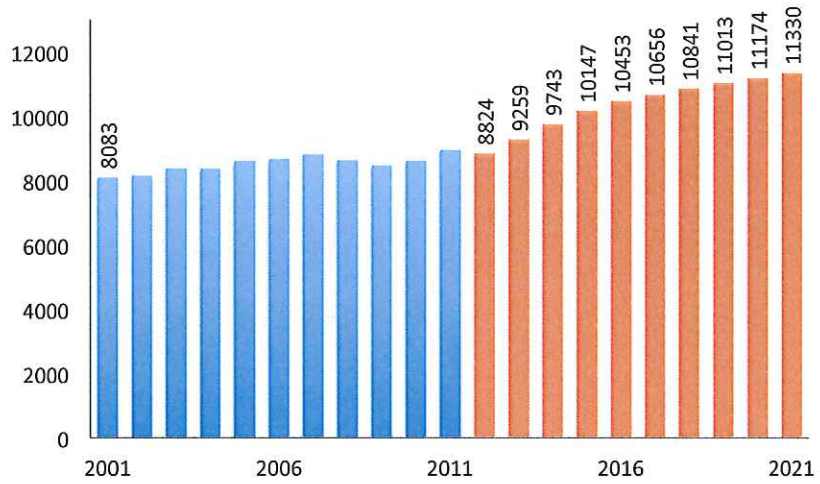
Community Based Corrections and Prison Population Growing at Similar Pace



Iowa Prison Population Forecast FY2011-20212. Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning.

9

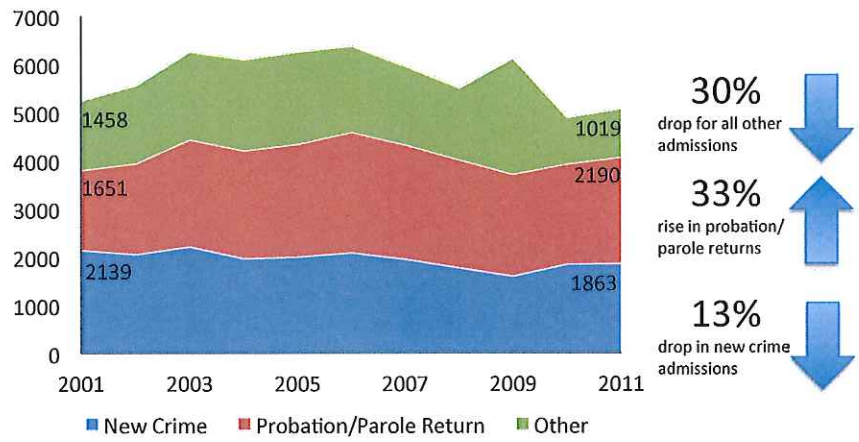
Will Iowa's Prison Population Increase 22 Percent by 2021 as Projected?



Iowa Prison Population Forecast FY2011-20212. Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning.

10

Overall Admissions to Prison Declining, but Parole/Probation Returns Increasing



30% drop for all other admissions

33% rise in probation/ parole returns

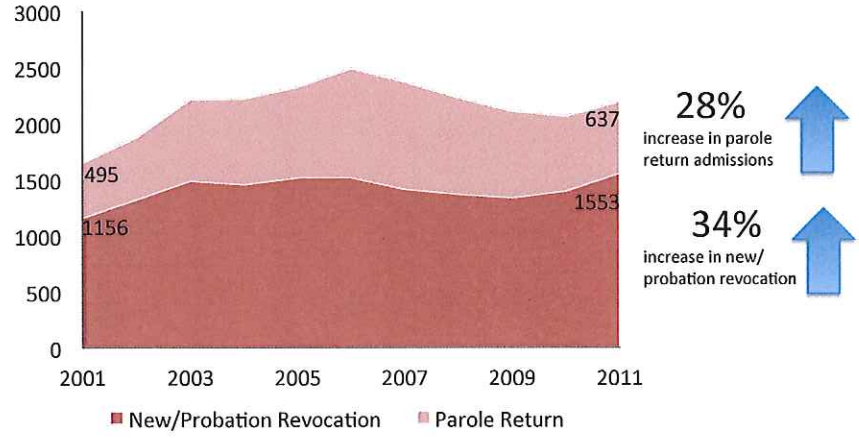
13% drop in new crime admissions

* Recidivism is defined as all releases who are returned to DOC custody within 3 years.

Source: Iowa Prison Population Forecast FY2011-2021

11

Parole and Probation Returns To Prison Increasing



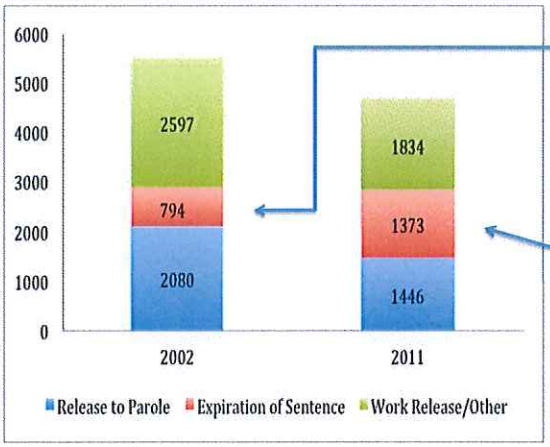
28% increase in parole return admissions

34% increase in new/ probation revocation

Source: Iowa Prison Population Forecast FY2011-2021

12

Growing Percentage of Offenders Receiving No Post-Release Supervision



15%

Percent of offenders receiving no post-release supervision at the completion of their prison stay in 2002.

30%

30 percent of offenders receiving no post-release supervision at the completion of their prison stay in 2011.

Source: Iowa Prison Population Forecast FY2011-2021

13

Overview

Challenge Facing States and "What Works"

States Utilizing a Justice Reinvestment Approach

Next Steps

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

14

Justice Reinvestment

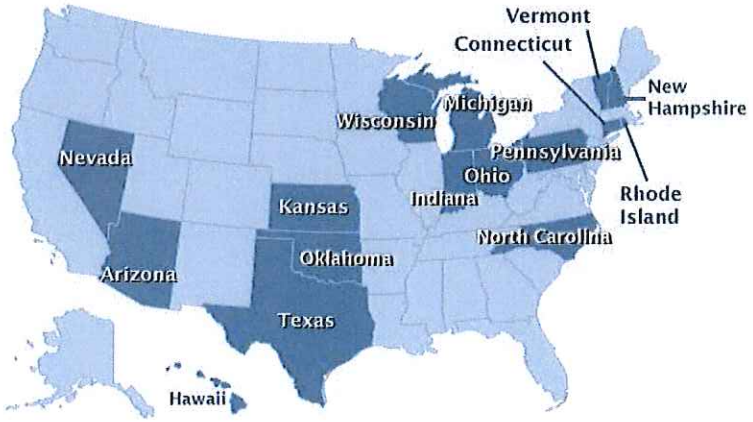
a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.

BJA
Bureau of Justice Assistance
U.S. Department of Justice

THE PEW CENTER ON THE STATES
Public Safety Performance Project

15

Justice Reinvestment States



16

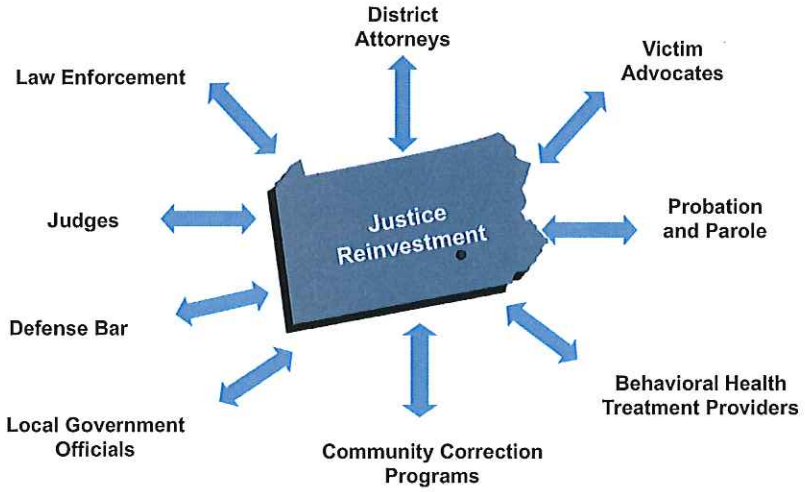
Justice Reinvestment Process

Bipartisan, inter-branch, bicameral structure

1 Analyze Data & Develop Policy Options	2 Adopt New Policies	3 Measure Performance
• Analyze data to look at crime, court, corrections, and supervision trends • Solicit input from stakeholders • Develop policy options & estimate cost savings	• Identify assistance needed to implement policies effectively • Deploy targeted reinvestment strategies to increase public safety • Review implementation progress	• Track the impact of enacted policies/ programs • Monitor recidivism rates & other key measures

17

Stakeholder Engagement



18

Some state governments must cut spending & address growing prison populations

	Budget Shortfall	Prison Population Growth Projected
North Carolina	$2.4 billion FY2012	+2,110 2011-2017 (6 yrs)
Ohio	$8 billion FY2012-13 biennium	+2,871 2010-2015 (5 yrs)

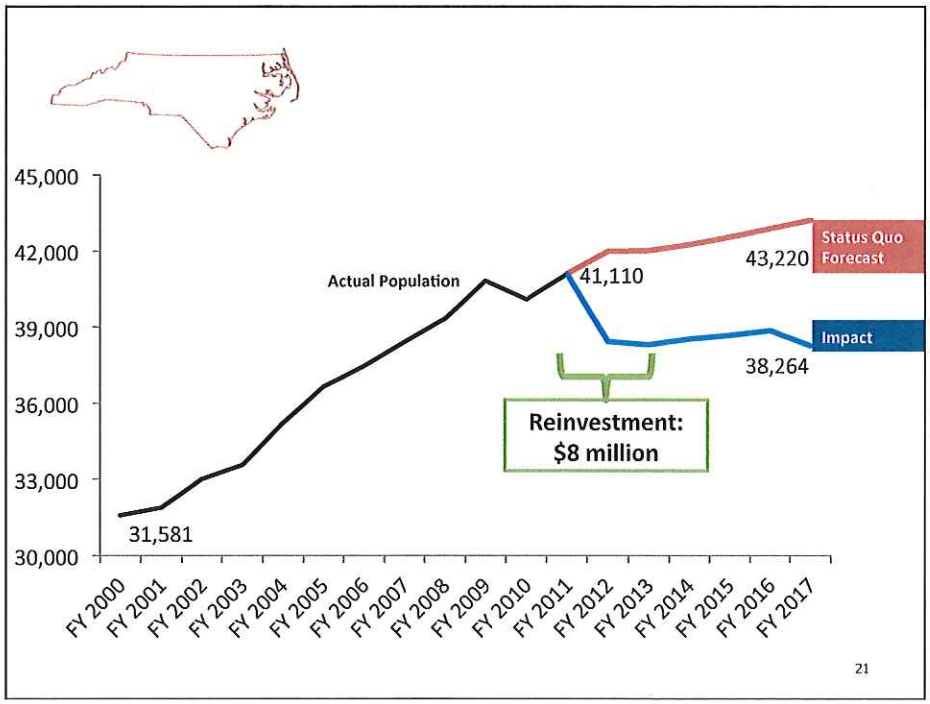
19

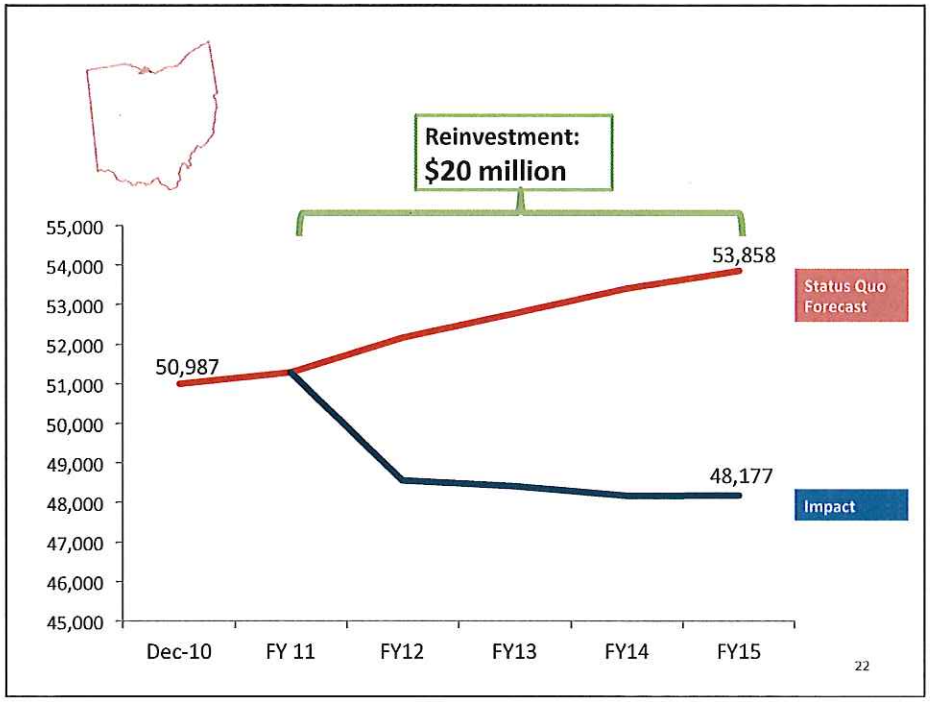
North Carolina and Ohio Enacted Sweeping Legislation

"[The law] is not just going to save money for the State of Ohio; it's going to apply that money in ways that can remediate, give people a chance."
Ohio Governor Kasich, R

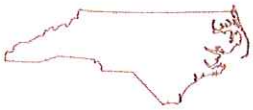
"I believe what we are about to do today with Justice Reinvestment represents one of the most important things ever done in North Carolina... This will likely be the hallmark of this session." –
North Carolina Governor Perdue, D

20


45,000
42,000
39,000
36,000
33,000
30,000
Actual Population
31,581
41,110
43,220
38,264
Status Quo Forecast
Impact
Reinvestment: $8 million
FY 2000
FY 2001
FY 2002
FY 2003
FY 2004
FY 2005
FY 2006
FY 2007
FY 2008
FY 2009
FY 2010
FY 2011
FY 2012
FY 2013
FY 2014
FY 2015
FY 2016
FY 2017
21


Reinvestment: $20 million
55,000
54,000
53,000
52,000
51,000
50,000
49,000
48,000
47,000
46,000
45,000
50,987
53,858
48,177
Status Quo Forecast
Impact
Dec-10
FY 11
FY12
FY13
FY14
FY15
22

2011
Justice Reinvestment
State Policy Changes



- Focus on people most likely to reoffend
- Reinvest in high performing programs
- Strengthen probation supervision
- Realign sentencing policies
- Improve state/county coordination

23

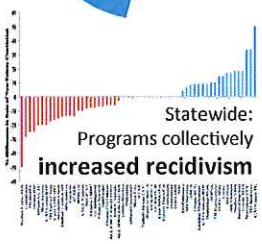
Reinvest in high performing programs

PROBLEM → DATA → POLICY CHANGE

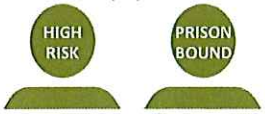
$104 million
Impact of Ohio Residential Correctional Programs on Recidivism

No target population, based on risk or likelihood of incarceration

No accountability for poor performing programs



Target population



Programs that increase recidivism must improve or will be cut.

24

Strengthen probation supervision

PROBLEM → DATA → POLICY CHANGE

Violation hearings are time-consuming
& often result in placement back on probation

Few meaningful sanctions
for minor violations

Hawaii HOPE !!!

But, judges rotate court circuits in NC!

53%
of prison admissions are **probation revocations**

3/4
of revocations are for **condition violations**
(drug use, absconding)

Administrative Jail Sanctions

2-3 day sanction

Capped at **6 days**

Designed to:
- Reduce violation hearings.
- Reduce time in court.
- Reduce jail time spent awaiting hearings.

Oversight:
Requires approval of chief probation officer and hearing waiver by offender.

25

Strengthen probation supervision

PROBLEM → DATA → POLICY CHANGE

Probation is the key to the effectiveness of Ohio's criminal justice system.

No minimum standards.

No data.

Practices vary significantly by county, municipality, and even courtroom.

> 250,000
PROBATIONERS

187
AGENCIES

Incentive Grants to Reward Performance

Improvement Grants

Minimum Standards

$10
MILLION
FY12-13
Biennium

26

Realign sentencing policies

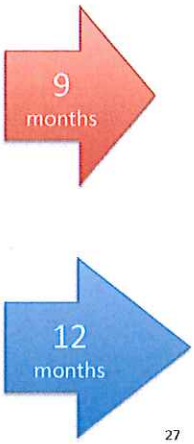
PROBLEM → DATA → POLICY CHANGE

Lack of supervision after prison contributes public safety risk.

51% of those released unsupervised are re-arrested within 3 years.

No accountability during re-entry.

Results in revocation time being less than remaining time on supervision.



27

Improve state/county coordination

PROBLEM → DATA → POLICY CHANGE

"Probationers often **sit in county jails for 60-90 days** waiting for violation hearings."

Require that a violation hearing be held within

30 days

of arrest.

28

Overview

Challenge Facing States and "What Works"

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Next Steps

JUSTICE CENTER
The Council of State Governments

29

Key Takeaways About Current Justice Reinvestment State Efforts

- Intensity of the approach
- Focusing on improving public safety
- Policies adopted that benefit all counties
- Reinvesting, but also improving how $ are spent
- Comprehensiveness of policy options

30

Next Steps: Deciding If Justice Reinvestment Is Right For Iowa

- Leaders from all branches of government must be committed to the goals of justice reinvestment and be willing to work through a very intensive data-driven process.
- All relevant criminal justice agencies are willing to provide individual-level data for analysis.
- The jurisdiction demonstrates a commitment to providing the staff support and data needed to assist its assigned TA providers in their delivery of intensive technical assistance.

BJA
Bureau of Justice Assistance
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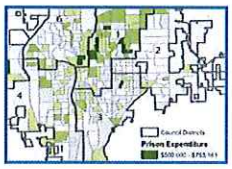
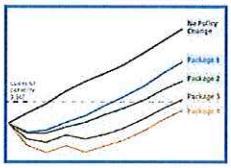
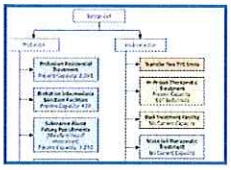
31







Thank You

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32