

# Iowa Criminal and Juvenile Justice Plan

***1997 Update***

Multi-Year Goals

Sentencing Reform

Incarceration Rate of African-Americans

Domestic Violence

Prison Population Forecast

Juvenile Crime & Responses to Violent Youth

Runaways

***CJJ*** Division of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights

February, 1997

## **Iowa Criminal and Juvenile Justice Plan -- 1997 Update**

### **ABOUT THIS REPORT**

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range system goals, special issue planning recommendations and research findings. CJJP's 1997 response to its reporting requirement is different from past years. Rather than issuing one large document containing many separate reports, single-issue 1997 Update reports now are being made available based on reader interest and need. It is hoped this approach to disseminating CJJP research and planning reports will be more cost effective and more responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

**On the cover of this document is a listing of various topics that are the subjects of separate CJJP reports issued in February, 1997. To receive other 1997 reports, please contact CJJP as indicated below.**

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

**Reports on the issues listed below are being issued through CJJP's 1997 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC).**

- **Multi-Year Goals\*\***
- **Sentencing Reform\***
- **Incarceration Rate of African Americans\***
- **Domestic Violence\***
- **Prison Population Forecast**
- **Juvenile Crime & Responses to Violent Youth**
- **Runaways\*\***

Note: Single asterisk reports include recommendations developed and approved by the CJJPAC. Double asterisk reports include recommendations developed and approved by the CJJPAC and the JJAC.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1997 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJP Administrator

Clarence Key, Jr.: "Sentencing Reform"  
"Incarceration Rate of African Americans"  
"Domestic Violence"

Dave Kuker: "Runaways"  
"Juvenile Crime and Responses to Violent Youth"

Lettie Prell: "Sentencing Reform"  
"Prison Population Forecast"  
"Juvenile Crime and Responses to Violent Youth"

Laura Roeder: "Prison Population Forecast"  
"Juvenile Crime and Responses to Violent Youth"

**TO RECEIVE ADDITIONAL CJP 1997 UPDATE REPORTS**

Reports on the issues listed on the previous page can be obtained by contacting CJP:

Division of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights  
Lucas State Office Building  
Des Moines, Iowa 50319

Phone: 515-242-5823  
Fax: 515-242-6119  
email: [cjjp@max.state.ia.us](mailto:cjjp@max.state.ia.us)

**AVAILABILITY OF RELATED REPORTS:**

Several reports were prepared to assist CJP complete their 1997 Update reports. They contain much information not included in CJP's 1997 Update materials. To receive copies of the below listed reports, contact CJP as described above.

- "A Survey of Juvenile & Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders," Michael J. Leiber, University of Northern Iowa, 1996.
- "Summary Report -- Preliminary Findings from the Midwest Homeless and Runaway Adolescent Project," Les B. Whitbeck, Iowa State University, 1996.
- "Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services," Dave Kuker, CJP, 1996.

**STUDY ISSUE:  
THE DISPROPORTIONATE RATE OF INCARCERATION OF  
AFRICAN AMERICANS IN IOWA'S JUSTICE SYSTEM**

**STATEMENT OF THE PROBLEM**

In the State of Iowa, African American's comprise approximately 2.7 percent of its census population. African Americans comprise nearly 25 percent of Iowa's prison population.

**REVIEW OF PAST RESEARCH AND ACTIVITIES**

The Criminal and Juvenile Advisory Council (CJJAC) and the Division of Criminal and Juvenile Justice Planning (CJJP) have undertaken extensive analysis on the overrepresentation of minorities in both the adult and juvenile justice systems.

In 1995, the Council identified as one of its long-range system goals the following:

**GOAL: TO HAVE ALL ASPECTS OF THE JUSTICE SYSTEM FREE OF BIAS,  
PERCEIVED BIAS AND DISPARATE TREATMENT OF OFFENDERS,  
VICTIMS OR WITNESSES.**

Bias within the justice system has been documented or has been perceived to exist throughout system components and proceedings. Elimination of bias and the perception of bias can be sought through:

- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies and public participation in the development and review of system policies and activities.
- Increased public awareness of system policies, practices, operations and limitations.
- Appropriate and ongoing training of system officials and agency personnel.
- Development and strengthening of state, local and agency policies and practices that assure equality in offenders' and alleged offenders' exposure and access to the justice system's many and varied types of procedures, sanctions, levels of supervision, services and treatment.
- Development of supervision approaches, treatment programs and other services culturally and environmentally specific and appropriate to meet the needs of persons with diverse cultural backgrounds and lifestyles.
- Recruitment and retention of minority persons in all levels of employment and volunteer activities throughout the justice systems.
- Identification and monitoring of statewide, local and agency-specific indicators of bias to enhance public awareness.
- Demonstration of efforts to eliminate bias in the justice system as a model for improving other social systems and institutions (e.g. education, child welfare, employment services, income assistance, substance abuse, mental health, economic development, etc.) whose effectiveness affects the size and nature of the justice system's case load.

Beginning in 1990, several state agencies (including CJJAC/CJJP) have assisted in examining this issue and have produced various studies and reports. Four studies in particular describe the nature and causes of the disproportionate rate of minorities in the justice system:

- A) “African Americans in Iowa’s Justice System: A Discussion of Data and Data Availability,” November, 1990, CJJP.
- B) “Final Report of the Equality in the Courts Task Force to the Iowa Supreme Court,” February, 1993.
- C) Criminal Issues Committee Report to the Iowa Supreme Courts Equality in the Courts Task Force: “Chapter XI: Bias in the Justice System,” Sept., 1996.
- D) “A Description and Discussion of Minority Overrepresentation in Iowa’s Juvenile Justice System,” June, 1993, CJJP. This is a two-part study that contained an executive summary of studies conducted by Michael Leiber, Ph.D., UNI.

Below is a summary of selected highlights of these reports:

**A) *African Americans in Iowa’s Justice System: A Discussion of Data and Data Availability, November, 1990, CJJP.***

Statistical information most pertinent to the disproportionate rate of incarceration of African Americans is contained in the section, “Current Iowa Data: Race and the Justice System. This section provides a statistical profile of the offenders by race in Iowa’s justice system. This report was issued in November, 1990. Highlights from this report:

It should be noted that the census population of African Americans in Iowa at that point in time was 1.6 percent. In May of 1990, 22.5% of Iowa’s inmate population were African American. Robbery, drug and assault charges were the three lead offenses for which African Americans were incarcerated.

For FY 90 African Americans comprised 19.5 % of total admissions to prison and 17.8% of total prison releases. There was a higher percentage of African Americans being admitted to prison than were being released from prison during FY 90.

In reference to parole releases for FY 90, 19.5% of these releases were African American and 20.4% of total parole returns. There was a slightly higher percentage of African Americans being returned to prison from parole than being released to parole.

**B) *Final Report of the Equality in the Courts Task Force to the Iowa Supreme Court, February, 1993.***

This report from the Task Force focused on race and gender bias in the courts. Chapter IX of the report, “Bias in the Criminal System” reported its findings in this area. A criminal case study was conducted by Keith Crew, Ph.D., of UNI for the Task Force.

The case study examined four metropolitan counties, Polk, Scott, Woodbury and Black Hawk. A total of 1, 978 cases were analyzed for the years of January 1990 - March 1992 to determine the influence of race on the criminal justice process in three areas, charging decisions, bail and pretrial practices and sentencing. Crew's findings included:

Charging decision:

“Race has a statistically significant effect on charging decisions in cases involving personal violence. Minorities are more likely than whites to be charged with a serious crimes, even when the level of violence is the same. This disparity is partially explained by the fact that defendants charged with domestic violence (who tend to be white) are treated more leniently.

The study found that similar levels of violence result in much less severe charges when the victim is a family member or cohabitant of the offender. Race and gender intersect at this point, resulting in disparate treatment of minority male defendants and less protection for female victims.

With respect to drug offenses and property offenses, the study did not disclose any statistically significant differences in charging practices between minority and white defendants. Apparent racial disparities were explained by controlling for the nature of the offense (selling versus buying drugs or crimes involving marijuana versus cocaine) or other race-neutral variables (e.g. monetary value of the stolen property).”

Bail and Pretrial:

“The analysis of bail and pretrial practices also disclose that minority defendants were disadvantaged. When all the control factors were taken into account, there remains a statistically significant difference between racial groups: minorities are more likely to be required to post higher bond and less likely to be released prior to trial.”

Sentencing:

“Race played the most significant role in aggravated misdemeanor cases (as opposed to felonies). To test the importance of judicial discretion in sentencing, a sample of cases in the Iowa study were compared to the results that would be obtained using sentencing guidelines from Minnesota. It was found that the Minnesota guidelines would eliminate the effects of race, suggesting that misuse of judicial discretion may produce some degree of racial disparity”.

Conclusion:

“In each case, there are unexplained differences which are not associated with any known factor but race. The effect of race on these three decision points, although small compared to the expected effects of legally relevant variables, nevertheless is statistically significant.

Furthermore, the unexplained difference is most strongly noticeable in one county, Black Hawk, which is the Iowa county with the highest concentration of African American defendants.

The implications of these findings are that, if each of these three stages demonstrates a slight disparity, the combined effect during processing in the court system is not so slight. Further, the effect of such racial disparities will be felt in any subsequent criminal charge through the impact of prior record on decision-making. The disparity in each of the three stages is cumulative for each charge and for future charges.”

**C) *Criminal Issues Committee Report to the Iowa Supreme Courts Equality in the Courts Task Force: Chapter XI: Bias in the Criminal System.***

This committee was charged with reviewing the recommendations found at the conclusion of *Chapter IX, Bias in the Criminal System*, in the *Final Report of the Equality in the Courts Task Force*, and the data upon which the recommendations were based. In addition, the committee provided recommendations to the Supreme Court of Iowa concerning implementation of the Task Force recommendations throughout the criminal justice system.

The criminal issues committee established five subcommittees to review the following criminal justice areas: pre-trial and sentencing issues, employment opportunities, training (gender, sensitivity, competency), data collection and systems monitoring and public education.

### PRE-TRIAL AND SENTENCING ISSUES:

The committee reviewed the following Task Force recommendations:

- Statutory guidelines in Iowa Code section 811.2(2), regarding criteria to use for determining the conditions of pre-trial release should be used uniformly.
- Statutory guidelines in Iowa Code Chapter 907, regarding the appropriate criteria to use for determining sentencing should be used uniformly.

### Committee Recommendations to the Supreme Court:

- Through legislation or court rule, the pretrial release process utilized in each of the judicial district departments of correctional services should be standardized by the adoption of a common interview form and rating system.
- The Supreme Court should review the past reports of the Iowa Intermediate Criminal Sanctions Task Force, the new laws establishing district intermediate sanctions plan, any forthcoming district planning activities to develop such plans and their development and use of sentencing advisories. Further, it is recommended that following its review of this information, the court consider supporting or implementing one of the following:
  - a. The establishment of a single set of sentencing advisories, through legislation or court rule, or
  - b. Legislative establishment and funding of a “blue ribbon panel” to study Iowa’s sentencing laws and practices, including the manner in which current policies impede or support equitable sentencing practices, and recommend appropriate changes.
- The new judge orientation program established by the Iowa Supreme Court in 1990 should include training regarding pretrial release and sentencing. In addition, the program should include training regarding the use of interpreters in the judicial process.

### EMPLOYMENT OPPORTUNITIES

The committee reviewed the following Task Force recommendations:

- The Criminal Justice System should strive to increase employment opportunities for minorities and women at critical points in the criminal justice system, including county attorney staff, pretrial release staff, public defenders and presentence investigators.

### Committee Recommendations to the Supreme Court:

- Criminal Justice agencies should be encouraged to develop clear guidelines regarding procedures to be followed in recruitment, hiring and employment which address issues of gender and racial bias in the work place, to fully train all supervisory and



non-supervisory employees about these and their respective responsibilities in regard to guidelines.

- Criminal justice agencies should implement intensive training, continue such training efforts if already in place, to assist their managers, supervisors, and non-supervisory employees to recognize and correct discriminatory practices in the workplace and in recruitment and hiring. Such intensive training may be needed to combat cultural beliefs and practices which may contribute to racial and gender bias in the workplace. This training should be designed to foster mutual respect and an inclusive attitude among employees which may, in turn, enhance employee retention.
- Criminal justice agencies should encourage their managers and supervisors to involve themselves in community organizations, especially those which foster networking opportunities which include women and minorities. Establishing credibility as a prospective employer for women and minorities appears to require a long-term commitment to this type of networking.
- Criminal justice agencies should utilize existing organizations concerned with female and minority job placements to assist managers and supervisors in targeting recruitment to reach prospective women and minority applicants. A comprehensive listing of such agencies is maintained by the Iowa Department of Personnel.

#### TRAINING (gender, sensitivity, competency)

The committee reviewed the following Task Force recommendations:

- Sensitivity training should be provided for judges, attorneys and court personnel regarding racial, ethnic and cultural differences, including the dynamics of domestic violence and sexual assault and overt and subtle ways bias may manifest itself.
- Presentence investigation officers, parole officers, juvenile court personnel, and others employed within the criminal justice systems should receive cultural sensitivity training and training regarding racial/ethnic and gender bias.

#### Committee Recommendations to the Supreme Court:

- Resources should be made available to maintain and expand DOC's current training program.
- The Judicial Department should adopt and implement a sensitivity program based on the model (not the content per se) currently being offered by DOC. Training teams (judges, juvenile court officers, clerks of court and other court personnel) should be identified and trained to provide ongoing support to implement this recommendation.

- The court should maintain its current endorsement of anti-bias training as an ethical issue for attorneys (this includes both prosecutors and defense attorneys), thereby qualifying such training for credit towards the current ethics requirements.
- The Prosecuting Attorneys Training Council and other justice system agencies and organizations with training mandates, not presently providing ongoing diversity/sensitivity training, should consider replicating the training program offered by DOC.
- The Judicial Department should take advantage of the training offered by the National Judicial College in Reno, Nevada. They offer training approaches and content for the court similar to that offered by DOC.
- State and local law enforcement agencies should establish, develop and implement diversity training similar to the program presently available at the Iowa Law Enforcement Academy.

#### DATA COLLECTION AND SYSTEMS MONITORING

The committee reviewed the following Task Force recommendation:

- The present and future court system database should be monitored periodically, and patterns of racially associated disparities should be noted, publicly disseminated, and specifically brought to the attention of districts where disparities occur.
- County attorney offices should be required to keep records of the charges on initial arrests, the charges ultimately filed, the arrests they chose not to prosecute, the reasons they chose not to prosecute, and the race and gender of the alleged perpetrators.
- The Supreme Court of Iowa should watch for and review the results of study being conducted by the Division of Criminal and Juvenile Justice Planning regarding two of class “C” nonviolent felony convictions.
- The Division of Criminal and Juvenile Justice Planning should access information, and make it easily retrievable on a uniform statewide basis, regarding the trends and patterns evolving related to various stages of the criminal process as regards to the race and sex of defendant and crime reporters or crime victims. The court system, including the Department of Corrections’ Division of Community-Based Corrections, should keep data similar to that used in the Criminal Case Study, as it relates to pretrial release, to be made available to the Division of Criminal and Juvenile Justice Planning. This same organization should be furnished additional data, all data to be included in their annual report.

This committee looked at three components of this area, collecting and reporting trends using currently available data; enhancing currently available data and filling data gaps; and replicating the criminal case study of the Task Force.

Collecting and Reporting Trends Using Currently Available Data:  
Committee Recommendations to the Supreme Court:

- It is recommended that the Supreme Court request all affected agencies to implement a plan for justice system data collection that provides for the submission of case-specific information to the Division of Criminal and Juvenile Justice Planning (CJJP). Information for the plan would be provided by the following justice systems agencies: CJJP, Department of Corrections, Department of Public Safety and the Board of Parole.
- It is recommended that adequate funding be made available to implement the recommended data collection plan.
- It is recommended that the automated data transfer mechanism of the Iowa Court Information System data pertaining to adult felony and indictable misdemeanor charges, dispositions and sentences to the Division of Criminal and Juvenile Justice Planning be implemented.

Enhancing Currently Available Data and Filling Data Gaps  
Committee Recommendations to the Supreme Court:

- It is recommended that the Supreme Court support a victimization study of Iowans.
- It is recommended that a data field on the Iowa Court Information System be created to allow entry of codes to indicate the type of attorney retained in each case.
- It is recommended that the Supreme Court review several options for collecting data related to prosecutorial decisions. If the Court determines that a particular option should be pursued, it is recommended that they request affected agencies to implement the option. Optional approaches through which prosecution information could be collected include: a) through computerized criminal history; b) through the Iowa Court Information Systems; or c) through a special data collection effort involving all county attorney offices.
- It is recommended that the Jury Management Subsystem of the Iowa Court Information System be funded, and that race information be included for reporting purposes.
- It is recommended that the Supreme Court review options presented to them for collecting data related to the criminal history of defendants. If the Court determines that summary criminal history information would assist presentence investigators and

other users, and satisfy Task Force's initiatives, they should request the Department of Public Safety to review current arrest record format and identify optional approaches. Options include:

a) programming the computerized criminal history to provide summary criminal history data on a given individual; or b) obtaining data through a manual data collection effort.

- It is recommended that the Supreme Court study the extent to which Iowa Code Section 901.2 is being implemented with regard to the completion of presentence investigations in felony cases, and take appropriate action.
- It is recommended that the Court identify those data fields in the Iowa Court Information System deemed of primary or critical importance and direct the clerks of courts to ensure that data is entered in those fields.
- It is recommended that the critical data fields identified above be examined as to structure and that changes be made to ensure uniformity of data entry across counties (e.g., devising codes for narrative fields, etc.).
- In cases where critical data fields are not being used due to lack of information provided by law enforcement agencies and/or county attorneys, it is recommended that the Court communicate with those agencies to provide the information.

Replication of Criminal Case Study of the Task Force  
Committee Recommendation to the Supreme Court:

- It is recommended that the Supreme Court determine whether to provide for replication of the Criminal Case Study through ongoing data collection of case specific information, or through a special research effort.

## PUBLIC EDUCATION

The committee reviewed the following Task Force recommendations:

- Criminal defendants should be advised that court-appointed attorneys will be paid by the state regardless of whether they win or lose the case. They should also be advised that, at disposition of their case, they may be required later to reimburse any court appointed fees.
- The Judicial Department should develop a brochure to explain the criminal process generally, what participants in the court process might expect to happen, where participants can go to receive answers to questions, and what additional help is available.
- The Iowa State Bar Association should develop educational programs explaining the criminal justice system for schools, and brochures for distribution at police stations, county attorneys' offices, courthouses, or other appropriate public places.
- The Supreme Court of Iowa and local courts should work with the state and local bar associations to establish a system to disseminate information referenced in the two preceding recommendations.

### Committee Recommendations to the Supreme Court:

- It is recommended that the Supreme Court of Iowa and the Iowa State Bar Association consider collaborating with Drake University Center for Law and Civic Education in the writing and design of a booklet which generally describes the Iowa criminal court system.
- It is recommended that the design of the aforementioned educational booklet explaining generally the Iowa criminal court system be a collaborative effort of the bar association, the Drake Center and the Court.
- It is recommended that the booklet include a discussion of the following topics:
  - \* Arrest
  - \* Securing legal counsel
  - \* Initial appearance
  - \* Bond alternatives
  - \* Trial information and indictment
  - \* Diversion programs
  - \* Arraignment
  - \* Discovery/pre-trial motions
  - \* Guilty pleas
  - \* Trial procedures
  - \* Pre-sentence investigations
  - \* Sentencing procedure
  - \* Probation
  - \* Restitution
- It is recommended that the booklet intended to generally describe the Iowa criminal court system consist of no more than 15-20 pages, target high school

reading levels and include editions translated into Spanish, Lao, Vietnamese and Braille.

- It is recommended that the booklet be distributed in all Iowa secondary and high schools, police stations, county attorney offices, courthouses, and other appropriate public locations throughout Iowa.
- It is recommended that consideration be given to the installation of an information kiosk and/or the creation of a Web Site on the Internet that contains basic information on the criminal justice system and how citizens may best interact with the court.

**D) *A Description and Discussion of Minority Overrepresentation in Iowa's Juvenile Justice System, June, 1993, CJJP.***

This report contained a summary of several studies conducted by Michael Leiber, Ph.D., of UNI.

Leiber's studies examined juvenile court case files in Polk, Black Hawk, Woodbury and Scott counties. The review involved tracking the movements of groups of youth through the juvenile justice system from the initial referral to judicial disposition to look at differences in the likelihood of receiving the most severe outcome at each of the individual stages.

This study indicated that minorities often are more likely to receive the more severe outcomes at various decision points of the system. The extent to which such disparity was present varied according to the county of jurisdiction, the race of the juvenile and the decision-making stage of the court process. In the four counties examined by Leiber, offense seriousness and other legal variables most often had the strongest effects on decision making; these variables have the greatest impact on the extent of minority overrepresentation. However, race was also found to have a direct or indirect effect on the system decision making in all four counties. Although exceptions can be noted in some jurisdictions at some processing stages, the observed race effects typically had a negative impact on non-whites, and thus should be considered as a contributing cause of minority overrepresentation in Iowa's juvenile justice system.

Given the findings regarding the processing of juveniles through the juvenile justice system and the population makeup in Iowa's secure facilities and other service settings, it is obvious that minority youth are overrepresented in Iowa's juvenile justice system. It is also clear that the nature and extent of such overrepresentation varies from one part of the state to another. Over-representation within the system also varies among different minority populations and according to the facility, service or system process being examined.

Leiber's findings indicating that biased decision-making contributes to minority overrepresentation also suggests that even if all inappropriate bias within the juvenile justice system were eliminated, substantial levels of minority overrepresentation likely would still be evidenced. Some of the input received through town meetings and through Leiber's findings and recommendations indicate that much of this minority overrepresentation seen within the juvenile justice system is caused by social and community situations outside the system.

Efforts designed to have a marked impact on minority overrepresentation will need to a.) eliminate the "subtle bias" described by Leiber; b.) significantly reduce the number of minority youth who are referred to the courts in the first place; and c.) reduce the number of minority youth who receive the more severe court processing outcomes.

Another part of the study included interviewing youth and decision makers in the same counties. The interviews found that deviations of some youth from traditional white middle class values and norms resulted in subtle unintentional forms of biased treatment toward minorities.

Further, juvenile court personnel may treat youth differently depending on signs of individual responsibility, styles of dress and demeanor, perceived or actual affiliation with gangs, nontraditional family structures and interaction patterns with decision makers.

#### **IMPACT OF REVOCATIONS ON DISPROPORTIONATE RATE**

In May of 1996, there were approximately 6,055 inmates incarcerated in Iowa's prisons. 1,514 (25%) of these inmates were African American. Of the African Americans incarcerated in Iowa's prison's twenty-three percent (23%) were serving sentences for drug offenses, compared to 11% for Caucasian inmates. Of the total number of African Americans incarcerated, 16% were convicted of robbery offenses and 14% for burglary. Drug, robbery and burglary offenses were the top three offenses for which African Americans in Iowa were convicted and incarcerated.

Of the total number of new prison commitments that were attributed to probation revocations, 22.7% were African American. Of the total number of new prison commitments that were attributed to parole returns, 22.1% were African American.

There are no statewide data available that reliably tracks or categorizes types of probation or parole revocation by violation, race or gender. What is known is that during FY 95, 52% of probation revocations were technical violations.

Revocations are based on offender non-compliance with the terms and/or conditions of their release agreement. Since revocations are in large part made upon discretionary determinations as a result of offender noncompliant behavior, the potential for the occurrence of inequitable revocation decisions is probable.

Given this propensity, it appears that revocations may have an impact upon the disproportionate rate of incarceration of African Americans. Without accurate information on revocations, specific conclusions regarding the impact of revocations upon the disproportionate rate can not be formulated.

### **RECOMMENDATIONS:**

**Review and analysis on the disproportionate rate of incarceration of African Americans has indicated that there is no conclusive information available to fully explain the disproportionate rate of incarceration of African Americans. However, various state studies have concluded that there appears to be systemic bias at several levels within the justice system that may lead to instances of inequitable treatment of offenders who are of color. Several state initiatives are in place to eradicate these inequities. Such efforts include the Equality in the Courts Task Force, Criminal Issues Committee recommendations and the DMC (Disproportionate Minority Confinement) initiatives of CJJP and the Iowa Juvenile Justice Advisory Council that include a variety of local community programs.**

- **The Criminal and Juvenile Justice Planning Advisory Council supports these initiatives and also strongly encourages policy and decision-makers to support these efforts to strengthen the states commitment to obtaining bias free adult and juvenile justice systems.**
- **The Council, in its support of the recommendations found in the Criminal Issues Committee report on “Bias in the Criminal System”, has directed CJJP to contribute staff resources to the extent possible to assist state agencies with appropriate data collection and system monitoring efforts as identified in that report, and with their prioritization and implementation of the recommendations.**

**Based on available revocation data, it appears that the percentage of African Americans returned to prison as a result of probation revocation and parole returns (22.7% and 22.1) is almost as high as their current percentage rate of incarceration (25%). A 1995 Department of Corrections evaluation of intensive supervision programs in the state revealed disparate revocation rates for Caucasian and non-Caucasian offenders. In view of this data, it**



**further appears that there may be a correlation between prison returns of African Americans due to probation revocation and parole returns and the disproportionate rate of their incarceration.**

- In view of this information, it is recommended that an evaluation and/or focused research-study be conducted to address the rate of probation revocation and parole returns of African Americans to Iowa prisons. Such a study could be conducted in any or all eight judicial districts with large numbers of African Americans on probation or parole. A district by district comparison of probation revocations and parole returns also should be included in this evaluative research-study.**
- Given that there is no current data tracking system in place to accurately identify revocation violations by specific terms and/or conditions, race or gender, it is recommended (as was also recommended in the Equality in the Courts Task Force Report, Feb. 1993) that such a system be established and implemented by the Department of Corrections and the Iowa Board of Parole. Further, information collected from this tracking system should be analyzed for comparative purposes both across districts and racial groups.**
- The Council recommends, to the extent possible, that CJJP assist the Department of Corrections and the Iowa Board of Parole with the development and implementation of a probation and parole revocation study, and the development of their capability to collect relevant revocation information on an ongoing basis.**