

SIMPSON COLLEGE URBAN STUDIES INSTITUTE
PROJECT:
THE IOWA 2008 MINORITY IMPACT STATEMENT LEGISLATION
FISCAL YEARS 2009-2013



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Introduction

In 2008, the Iowa Minority Impact Legislation Bill (House File 2393) was introduced to and passed in the legislature with the intent of reducing Iowa's disproportionate incarceration rate of minorities, which includes but is not limited to: African Americans, Asians, Pacific Islanders, Native Americans, Hispanics, disabled persons, and women, of which African Americans have the highest disproportionate rate of incarceration; about 26%.

House File 2393 (H.F. 2393) made every future legislative bill, in particular all proposed criminal legislation, contain an "estimated" prediction of how it could affect the minority prison population. It was enacted in July of 2009.

The Simpson College Urban Studies Institute (SUSI), in collaboration with former Iowa representative Wayne Ford, who proposed H.F. 2393, determined that an explorative, analytical research study should be conducted to assess the effectiveness of H.F. 2393, how it relates to any possible decrease in the minority prison population rate, and whether policymakers were cognizant of any positive, negative, or neutral effect their legislative decisions may have on the disproportionate incarceration rate of minorities.

A total of 52 legislative bills from fiscal years 2009-2013 were collected, reviewed, and analyzed in order to respond to the aforementioned questions for this project.

Such a project would not have been possible without the support of Simpson College. Specifically, Steven J. Griffith, Senior Vice President and Academic Dean, and Dr. Fred Jones with the Department of Sociology and Criminal Justice, who is the Director of the Master of Arts in Criminal Justice program and our Research Supervisor.

Recognition must be given to the following for their cooperation and contribution to this project: the Iowa Legislative Agency, Beth Lenstra, Dr. Paul Stageberg, the administration and staff of the Division of Criminal and Juvenile Justice, the Iowa Department of Human Rights, and the Director of research for the Iowa Department of Corrections, Lettie Prell.

I would also like to recognize the six students who have worked very diligently as we pursued this project: Joella Hanes, Mikaella Holstad, Jose Perez, Jessica Prowant, Carly Rice, and Shawn Schossow.

Last but not least, we thank former Iowa representative Wayne Ford, the author of H.F. 2393, who has contributed greatly to our research.

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(A Copy of HF 2393)

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Executive Summary

House File 2393, or the Minority Impact Statement, was enacted in July of 2009. The objective of this legislation was to be an additional source of information for policy makers regarding criminal penalty legislation under consideration for passage and enactment that could reduce the disproportionate rate of incarceration of minorities in Iowa's prison system. Another objective was to attempt to reduce this rate.

House File 2393 has been in effect for the past five years. The 2014 legislative session is still in assembly and information relating to this research is not readily available.

The rate of incarceration of African Americans to the entire prison population has remained at 26% during the time period that this report reviews and analyzes (2009-2013).-

From these four years, we reviewed and analyzed fifty-two criminal penalty bills that included correctional, fiscal, and minority impact statements. Of these fifty-two bills, sixteen received passage and thirty six did not.

Various criminal justice system dynamics in reference to the disproportionate rate of incarceration of minority offenders in Iowa's prisons were discussed during the review and analysis process.

These dynamics included: review of the criminal penalty mandatory sentences, prosecutorial charging discretion, and varying judicial criminal sentencing practices. For example, two criminal offenders of differing races with similar criminal histories commit the same crime and receive different criminal sentences due to variation in race.

Discussions were also conducted with Dr. Paul Stageberg, Administrator for the Division of Criminal and Juvenile Justice Planning (CJJP), the Iowa Department of Human Rights, Lettie Prell, Director of Research for the Iowa Department of Corrections, and former Iowa State Representative Wayne Ford.

Upon completion of the review and analysis of the fifty-two legislative criminal penalty bills, the overall result, impact, and effectiveness of House File 2393 on the reduction of the disproportionate rate of minority offenders is considered to be *neutral*, in that it did not have a positive or negative impact on the reduction of the rate for the sixteen bills that received legislative passage in the legislative sessions of fiscal years 2009-2013.

Research and analysis appears to suggest that the 2008 implementation of House File 2393 has been and continues to be a useful tool for policy makers as they consider criminal penalty legislation that could possibly increase the disproportionate rate of incarceration of minority offenders in Iowa's prison population.

According to the CJJP Prison Population Forecast, it is projected that the disproportionate rate of incarceration of African Americans will more than likely remain at 26% over the next ten years (2013-2023).

Within the next ten years it is also favorable that House File 2393 may have an encouraging and constructive effect in not only stabilizing the disproportionate incarceration rate of minority offenders but also may be influential in the reduction of this rate.

Definitions

For the purposes of this report, we are using these definitions to describe whether or not H.F. 2393 was effective in its attempt to reduce the disproportionate rate of the incarceration of minorities in Iowa's prison system, in particular the African American incarceration rate of 26%.

These definitions include:

Positive Effect:

Where H.F. 2393 was successful in preventing legislative criminal penalty bills from passage that would increase the disproportionate rate of incarceration of minority offenders or successful in passing legislative criminal penalty bills that would decrease the disproportionate rate.

Negative Effect:

Where H.F. 2393 was not successful in preventing legislative criminal penalty bills from passage that would increase the disproportionate rate of incarceration of minority offenders.

Neutral Effect:

Where H.F. 2393 was neither successful nor unsuccessful in preventing passage of legislative criminal penalty bills that would affect the disproportionate rate of minority offenders.

Definitions (con't)

Minorities:

Minorities include but not limited to: African Americans, Asians, Pacific Islanders, Native Americans, Hispanics, disabled persons, and women.

Research and Analysis of Legislation for Fiscal Year 2009

Fiscal Year 2009 was the first year where H.F. 2393 was made a part of any proposed criminal penalty legislation. For the most part, information/data was limited or unavailable for the impacts covered under H.F. 2393.

During the legislative session of 2009, ten bills were introduced. Of these ten bills, two received passage and eight did not. The two passed bills were found to have a neutral impact on the minority incarceration rate. Among the unpassed legislation, all eight bills were also found to have a neutral impact on this rate. For fiscal year 2009, we concluded that H.F. 2393 had an overall neutral effect on the proposed criminal penalty bills.

Research and Analysis of Legislation for Fiscal Year 2010

During the legislative session of 2010, sixteen criminal penalty bills were introduced. Of these sixteen bills, six received passage and ten did not. Among the six passed bills, four had an anticipated positive impact on the disproportionate rate of incarceration of minorities, and the other two had an anticipated neutral impact. Among the ten bills that did not pass, eight had an anticipated neutral impact, one had an anticipated positive impact and the last bill had an anticipated negative impact.

Collectively, the ten bills that did not receive passage would not have made an impact on the disproportionate rate of incarceration of minority offenders. Therefore, we concluded that H.F. 2393 had a neutral effect in fiscal year 2010.

Research and Analysis of Legislation for Fiscal Year 2011

During the legislative session of 2011, seven criminal penalty bills were introduced. Of these seven bills, four received passage and three did not. Among the four passed bills, three had an anticipated negative impact on the disproportionate rate of incarceration of minority offenders. House File 2393 had a negative effect for the passed bills.

Of the three bills that did not pass, two had anticipated neutral impacts and one had an anticipated negative impact. House File 2393 was effective in preventing this bill from passage.

For fiscal year 2011, we concluded that House File 2393 had a negative effect on criminal penalty legislation.

Research and Analysis of Legislation for Fiscal Year 2012

During the legislative session of 2012, ten criminal penalty bills were introduced. Of these ten bills, two bills received passage and eight did not. Among the two passed bills, one had an anticipated positive impact, and the other had an anticipated negative impact on the disproportionate rate of incarceration of minorities.

Of the eight bills that did not pass, one had an expected positive impact and one had an expected negative impact. The other seven bills that did not pass all had anticipated neutral impacts.

Overall, we concluded for fiscal year 2012 that House File 2393 had a neutral effect on criminal penalty legislation.

Research and Analysis of Legislation for Fiscal Year 2013

During the legislative session of 2013, nine criminal penalty bills were introduced. Of these nine bills, two received passage and seven did not. Among the two passed bills, one had an anticipated neutral impact, and the other had an anticipated negative impact on the disproportionate rate of incarceration of minorities.

Of the seven bills that did not pass, six were expected to have a negative impact, and one had an expected neutral impact.

For fiscal year 2013, we concluded that H.F. 2393 had a positive effect on criminal penalty legislation.

Assessment

House File 2393 is a valuable tool for preventing a further increase in the disproportionate rate of incarceration of minority offenders; however, it is still in its beginning stages. Our research and analysis has indicated a *neutral effect* on the disproportionate rate of incarceration of minority offenders. We have also concluded that House File 2393 cannot single-handedly lower the disproportionate rate of incarceration of minority offenders.

African Americans are most often sentenced to prison for drug-trafficking or robbery 1st or 2nd offenses. These crimes generally have a mandatory sentencing law that contributes to the stagnant disproportionate rate of incarceration of minority offenders.

Other contributing factors include public safety, previous criminal penalty laws, prosecutorial charging discretion, and varying judicial criminal sentencing practices. For example, two criminal offenders of differing races or genders with similar criminal histories commit the same crime and receive different criminal sentences due to variation in race or gender.

Please note, the analysis of our research was affected due to the lack of data on individual minority populations. We were missing data on the incoming offenders and the offenders being released from prison. This could have changed our results.

Recommendations

Current mandatory criminal sentences should be reviewed by policy makers. These sentences require offenders to serve an overly prolonged amount of confinement that not only contributes to the overcrowding problem of Iowa's prison population, but also to the disproportionate rate of incarceration of minority offenders. These mandatory sentences should either be drastically reduced or eliminated entirely.

The collection of additional information and data is vital regarding incarcerated minority men, women, and disabled offenders. Such as: how many offenders of color, women, and disabled are imprisoned on a monthly and annual basis. This would strengthen House File 2393 in conjunction with the correctional and fiscal impact statements.

The criminal sentencing practices within the Iowa judicial system need to be re-examined for equality and fairness to all ethnicities and genders.

There also needs to be a re-evaluation of criminal penalty law for equality and fairness that have a disproportionate effect on minority offenders, including various criminal drug offenses.

State policy makers should give consideration to changing the emphasis of Iowa's current drug policies from incarceration to drug-rehabilitation.

Appendix A

Figure 1: Impact of Bills by Year

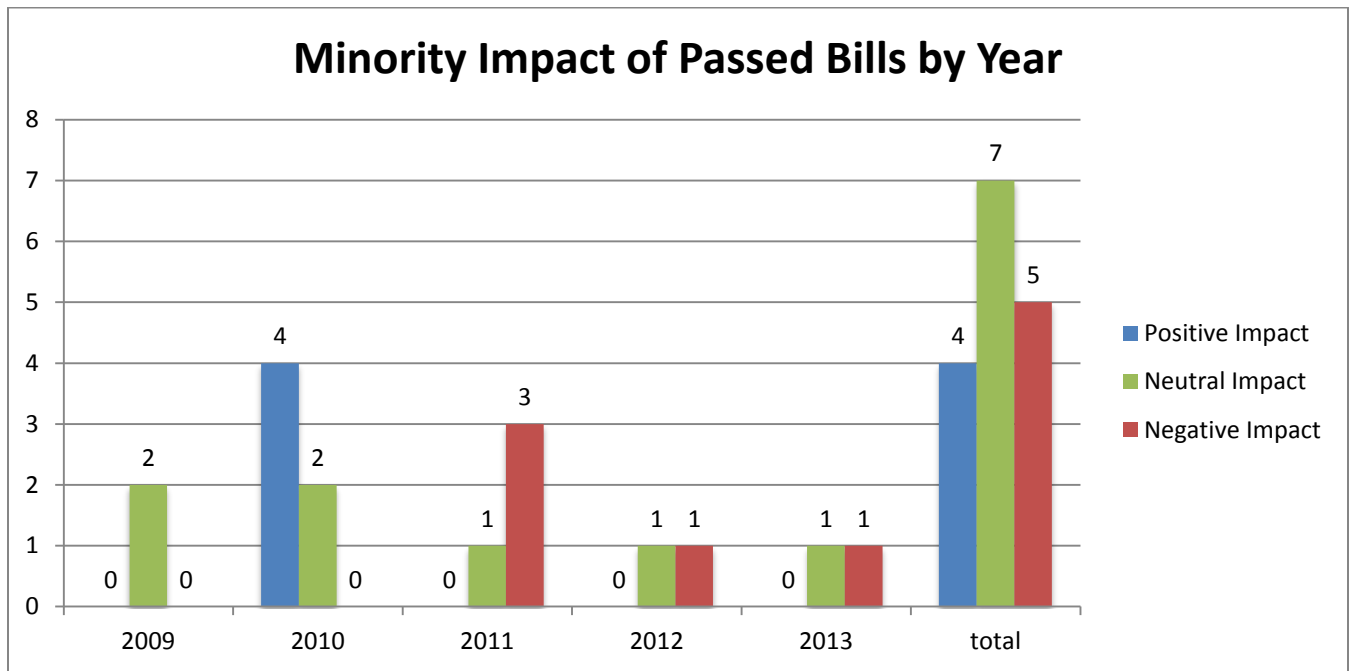
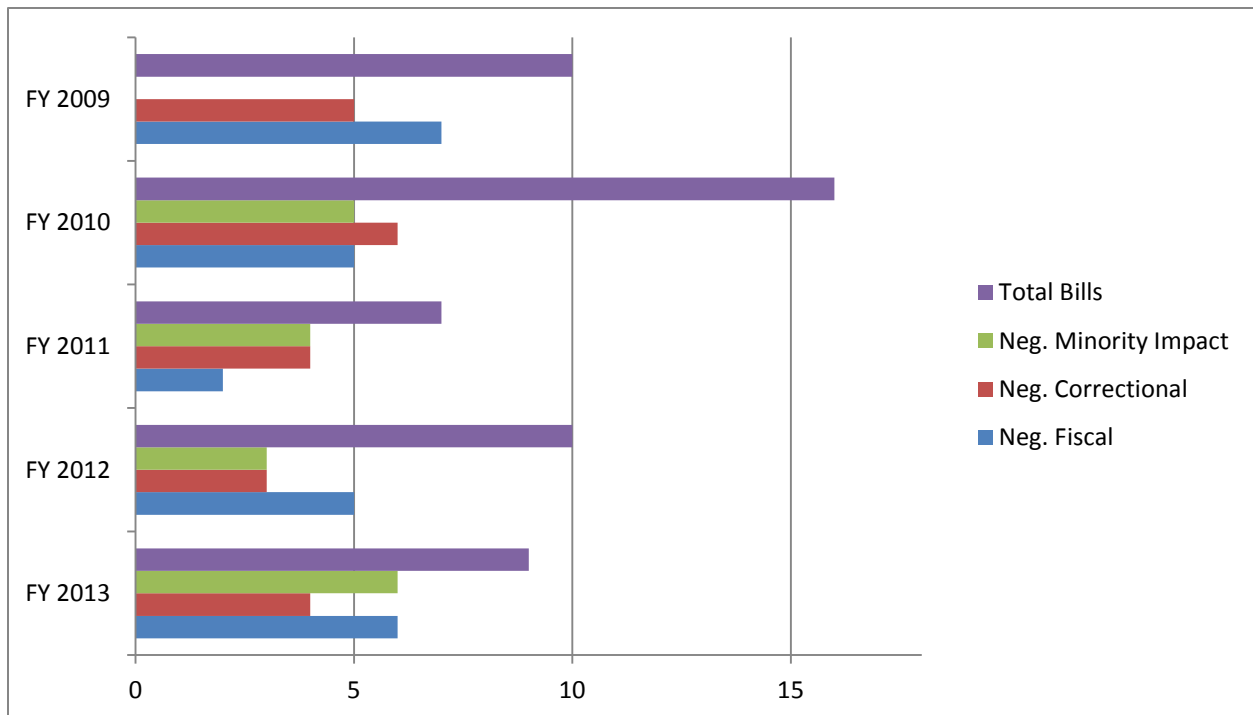


Figure 2: Bills Broken Down by Impact by Year



Appendix B

Figure 1: Effectiveness of HF 2393 (2009-2013)

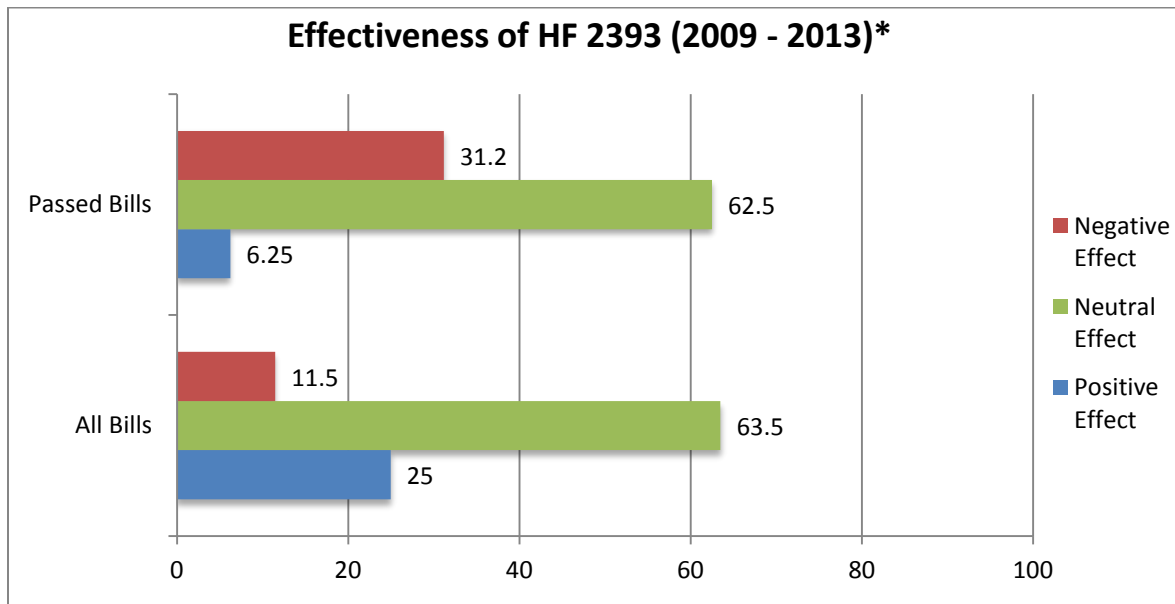
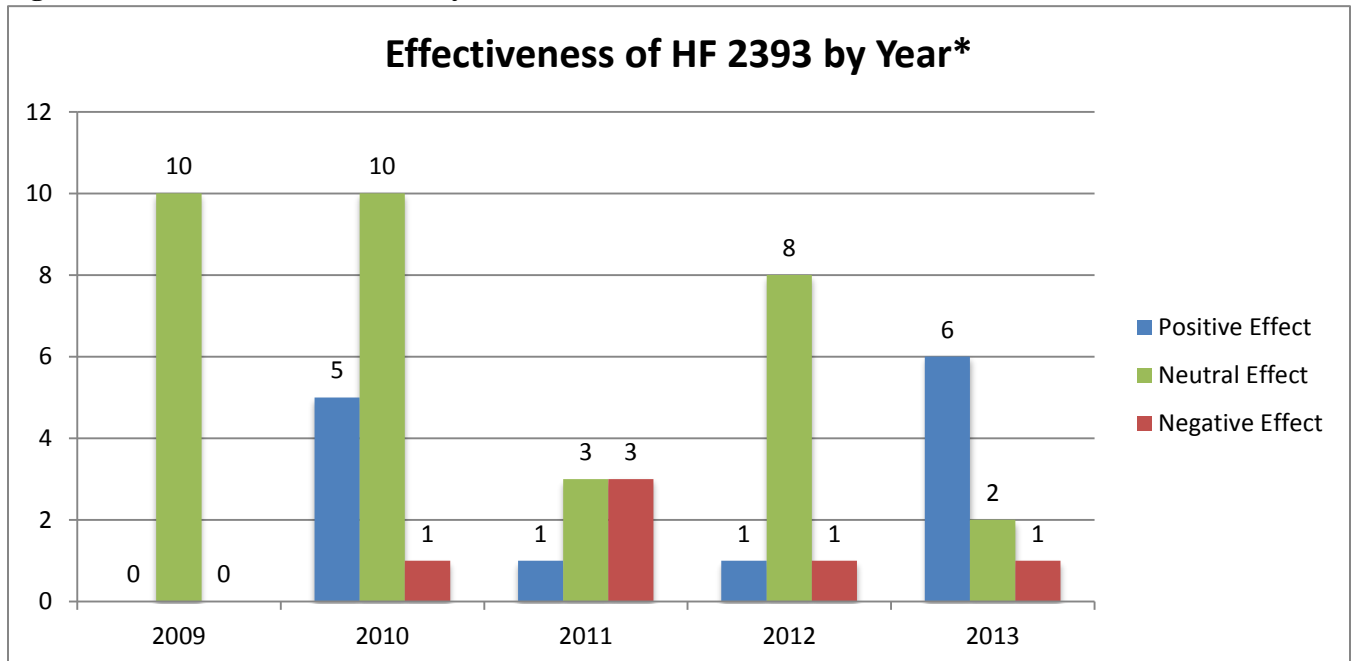


Figure 2: Effectiveness of HF2393 by Year



* of all bills (both passed and not passed)