

MINORITY IMPACT STATEMENTS

One Approach to Racial Disparity
In the
Justice System

Why?

In July of 2007, The Sentencing Project released a study “Uneven Justice: State Rates of Incarceration By Race and Ethnicity”.

Iowa was cited as having THE highest ratio of black to white incarceration at 13.6 to 1.

Iowa had the second highest black incarceration rate and was in the lowest third for white incarceration rates.

Population comparisons, 2009

	Caucasian	African American	Hispanic
Population*	2,827,520	80,516	126,453
Prison population	6,035	2,180	555
Rate	213.4/100,000	2,707.5/100,000	438.9/100,000

*Population estimates, 2008

2009 Black to White ratio 12.7

Decision points for Disparity

- Arrest
 - Minority arrest ratio compared to whites was 3.4 in FY2007.
- Case filings
 - The FY2007 ratio was 5.4
- Charging practices

*% Minority is based upon total offender count where the race is known, not the total offender count.

	Charges	Convictions	Prison Population
FELA Violent	42.2%	15.8%	27.5%
FELB Violent	34.6%	44.0%	29.3%
Drug	30.9%	34.3%	14.3%
Property	32.5%	37.9%	27.8%
Public Order	0.0%	100.0%	0.0%
Other	27.1%	29.4%	27.0%
FELC Violent	37.1%	38.6%	25.8%
Drug	40.2%	39.2%	35.6%
Property	26.2%	27.0%	36.7%
Public Order	24.2%	25.0%	20.0%
Other	21.1%	33.3%	8.3%
FELD Violent	33.4%	35.1%	26.9%
Drug	30.8%	29.4%	31.0%
Property	25.9%	25.5%	20.8%
Public Order	26.0%	28.2%	22.1%
Other	43.5%	50.0%	15.0%

When?

2008 Legislative session

Introduced in the House

Championed by a House member


Passed both Chambers

Signed by the Governor

Effective with the Legislative session beginning in
January, 2009

What

“Prior to debate on the floor of a chamber of the general assembly, a correctional impact statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement shall include...the impact of the legislation on minorities...”



“The legislative services agency, in cooperation with the division of criminal and juvenile justice planning of the department of human rights, shall develop a protocol for analyzing the impact of the legislation on minorities.”

What is covered

- Criminal offenses in the Code of Iowa
- Penalties enumerated in the Code of Iowa
- Any proposed changes to the above
- Any new offense, penalty, or enhancement not currently in Code.

What is not covered

- Administrative rules
- Parole Board rules
- County attorneys' charging decisions
- Law enforcement actions

HOW

- Bill is forwarded by the Legislative Services Agency to CJPJ for analysis.
- The bill is compared to existing Code for changes, additions, etc.
- Data are gathered from a variety of sources to determine current practices, and estimate future impact.

Data Sources

- Prison Population Forecast
- Uniform Crime Report
 - Arrests
- Iowa Court Information System
 - Charges
 - Convictions
- Iowa Corrections Offender Network
 - Prison
 - Parole
 - Probation



Burglary vs Robbery-An example in Disparity in Penalties

Definitions

Burglary – Any person, having the intent to commit a felony, assault or theft therein, who, having no right, license or privilege to do so, enters an occupied structure, such occupied structure not being open to the public, or who remains therein after it is closed to the public or after the person's right, license or privilege to be there has expired, or any person having such intent who breaks an occupied structure, commits burglary.

Robbery – A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:

1. Commits an assault upon another.
2. Threatens another with or purposely puts another in fear of serious injury.
3. Threatens to commit immediately any forcible felony.

Penalties

	Burglary		Robbery	
C felony	Caucasian	African American	Caucasian	African American
Sentence	10 years		10 years	
Av. LOS	29 months		90 months	
# New Admits	14	12	12	19
Total months	406	348	1,080	1,710
Minority Difference				572 months

Crack vs Powder Cocaine

	Minority Impact		Avg. Length of Stay		First Year (FY2010)		Second Year (FY2011)		Third Year (FY2012)		Fourth Year (FY2013)		Fifth Year (FY2014)
	Increase (Decrease)												
1	B felony convictions				16		31		31		31		31
2	Prison population (BFEL)				8		26		44		54		58

Assumptions: All Current CFEL power cocaine convictions would become BFEL. Prison %'s would be identical for all offenders. There would be additional CFEL prison admissions that have not been included.

Additional Resources

- Iowa General Assembly- <http://www.legis.state.ia.us>
 - Code of Iowa
 - Legislative Services Agency
- Criminal and Juvenile Justice Planning –
<http://www.state.ia.us/government/dhr/cjjp>

For more
information,
contact

- Phyllis Blood, MPA
- Division of Criminal and Juvenile Justice Planning
- Iowa Department of Human Rights
- Phyllis.Blood@iowa.gov

