



Solving Iowa's Projected Need for New Prisons

by Marc Levin

Iowa's prison population is projected to grow 16 percent to 10,284 by 2011.¹ In 1990, there were only 3,842 inmates.² Now, one in 54 Iowa adults are under control of the corrections system (in prison, on probation, or on parole) compared to one in 132 in 1982.³ Iowa's corrections budget is \$353 million.⁴ Although there are three times as many Iowans on probation and parole as in prison, for every dollar Iowa spent on prisons in 2008, it spent 13 cents on probation and parole.⁵

Further increases in imprisonment will not necessarily enhance public safety. In fact, states that increased incarceration the most from 1991 to 1998 experienced a smaller decline in crime than those that had a smaller increase in incarceration.⁶ Fortunately there are solutions through which Iowa taxpayers can avoid spending millions to build and operate new prisons while still improving public safety.

First, drug courts are a proven alternative to incarceration for low level drug offenders. Drug courts offer intensive judicial oversight of offenders combined with mandatory drug testing and escalating sanctions for failure to comply. Nationally, the average recidivism rate for those who complete drug court is between 4 percent and 29 percent, in contrast to 48 percent for those who do not participate in a drug court program.⁷ Iowa currently has 8 drug courts. Some 90.7 percent of offenders who go through an Iowa drug court do not recidivate.⁸ The average direct cost for an Iowa drug court participant is approximately \$10,400. This amount is based on an average length of stay of 662 days in the drug court, followed by a year of supervision on probation. The average cost for a new Iowa prison admission is approximately \$31,600. By increasing the number of drug courts, more drug offenders could be successfully diverted from prison.

There is another type of specialized court. In Hawaii's Opportunity Probation with Enforcement (HOPE) Drug Court, offenders are ordered to treatment and must call into a number every morning to see if they must report to the court to take a drug test. If they fail, they are jailed for several days and can ultimately be imprisoned for multiple failures. This court has proven in a randomized controlled trial to reduce positive drug screens by 91 percent and cut both revocations and new arrests by two-thirds.⁹ There is not a court similar to HOPE in Iowa.

Another way to stem the growth in Iowa's prisons is to pass a law mandating probation and treatment for first-time drug possession offenders. This policy should apply only to individuals caught with small quantities of drugs that are for personal use – not trafficking – who have not committed a violent or property offense. Iowa currently has 1,952 drug offenders in prison.¹⁰ By redirecting those possession offenders who are first-time offenders from prison, Iowa could save millions in incarceration costs. In Arizona, which implemented this policy more than a decade ago, a study by the Arizona Supreme Court found that 77 percent of drug offenders became drug-free as a result of the treatment.¹¹

Geriatric release is another proven strategy for controlling prison growth. Geriatric inmates have three times the medical costs of non-geriatric inmates. Studies have shown that offenders over 60 have a minimal recidivism rate.¹² Even inmates over 55 have a recidivism rate of between 2 and 8 percent.¹³

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For example, since Oklahoma adopted a geriatric release law in 2000, 135 inmates have been released with none recidivating. Iowa is one of 14 states without a geriatric release law.

Revocations from probation are a significant source of new prison intakes in Iowa. In 2008, 1,434 probationers were revoked to prison.¹⁴ Of these revocations, 187 are for technical violations, not new offenses. In 2008, Arizona addressed this by implementing performance-based probation funding. Under this incentive-based approach, probation departments receive a share of the state's savings when they reduce their revocations to prison without increasing probationers' convictions for new offenses. Some share of probation funding could also be tied to other outcomes such as restitution payments and employment rates.

Another way to control revocations of probationers to prison is to give supervising officers greater authority to impose lesser sanctions. Georgia and Delaware have changed the law so probation officers can impose sanctions such as a curfew and increased reporting in response to violations. A Georgia study found reductions of 70 percent or more in the average number of days that violators spent in local jails awaiting disposition of their violation cases.¹⁵ In Iowa, a probation officer must go to the judge to impose a sanction.

Finally, Iowa could create short-term beds for probationers and parolees who commit technical violations. In 2007, Texas solved a projected 17,000 prison bed shortfall in large measure by establishing more beds at community corrections facilities and intermediate sanctions facilities. Probationers and parolees who commit a new misdemeanor or technical violations are increasingly diverted from prison and sent to these facilities for an average of 90 days. Iowa operates halfway houses, and judges can reconsider a sentence to pull someone out of prison, but there are not short-term incarceration facilities.

By adopting these measures, Iowa policymakers can avoid spending millions on new prisons while improving public safety.

Endnotes:

¹Pew Center on the States, Public Safety, Forecasting America's Prison Population 2007-2011, <<http://www.pewcenteronthestates.org/uploadedFiles/Public%20Safety%20Public%20Spending.pdf>>.

²Iowa Department of Corrections Data Download, August 2008, <<http://www.doc.state.ia.us/Publications/aug08.pdf>>.

³Pew Center on the States, 1 in 31: The Long Reach of American Corrections, 2009, <http://www.pewcenteronthestates.org/uploadedFiles/www.pewcenteronthestates.org/Fact_Sheets/PSPP_1in31_factsheets_FINAL_WEB.pdf>.

⁴Ibid.

⁵Ibid.

⁶Incarceration and Crime: A Complex Relationship, The Sentencing Project, 2005, <http://www.sentencingproject.org/Admin/Documents/publications/inc_iandc_complex.pdf>.

⁷Drug Courts – The National Perspective, Presentation by the Virginia Drug Treatment Court Advisory Committee: Planning and Development Sub-committee, June 2008, <http://www.vcsc.state.va.us/Jun_08/Drug%20Courts%20-%20National%20Perspective1.ppt>.

⁸Iowa Legislative Services Agency Fiscal Services., Issue Review: Drug Courts, October 9, 2007, <<http://www.legis.state.ia.us/Isadocs/IntComHand/2008/IHJEM031.PDF>>.

⁹Pew Center on the States, Framework on Administrative Sanctions, <<http://www.pewcenteronthestates.org/uploadedFiles/Administrative%20Sanctions.pdf>>.

¹⁰Iowa Department of Corrections, Quick Facts, <<http://www.doc.state.ia.us/Documents/DOCQuickFacts.pdf>>.

¹¹See V. Dion Haynes, "Study Backs Treatment, Not Prison, For Addicts—Drug Habits Broken, Money Saved Through Arizona Law," <<http://community.seattletimes.nwsource.com/archive/?date=19990421&slug=2956358>>.

¹²Brett Trowbridge, PhD & JD, "Age and Recidivism: How Accurate are Our Predictions," *Washington Criminal Defense*, Nov. 2004, <http://www.trowbridgefoundation.org/docs/age_and_recidivism.pdf> (January 28, 2009).

¹³Bren Gorman, With Soaring Prison Costs States Turn to Release of Aged, Infirm Inmates, National Council on State Legislatures, September 2008, <<http://www.ncsl.org/programs/health/shn/2008/sn522c.htm>>.

¹⁴Iowa Department of Corrections Data Download, August 2008, <<http://www.doc.state.ia.us/Publications/aug08.pdf>>.

¹⁵Speir, John and Tammy Meredith, An Evaluation of Georgia's Probation Options Management Act, Applied Research Services, Atlanta, Georgia, October 2007, <http://ars-corp.com/_view/PDF_Files/AnEvaluationofGeorgiasProbationOptionsManagementAct_FinalReport2007.pdf>.

Marc Levin is Director of the Center for Effective Justice at Texas Public Policy Foundation.

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