

JRC

Justice Reform Consortium



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Changing the “Name” of the Game

Equalization of crack/powder cocaine sentencing disparity has been the goal of many organizations and individuals in Iowa. However, equalization can do more damage than good if the equalization goes the wrong way.

For instance, it is a class “C” felony to possess “One **hundred grams** or less of . . . Cocaine, its salts, optical and geometric isomers, or salts of isomers.”

Comparatively, it is a class “C” felony to possess “Ten **grams** or less of a mixture or substance described in subparagraph (2) which contains **cocaine base**.” The cocaine base is crack. Iowa law maintains a 10:1 ratio on the amounts of possession as it relates to sentencing.

Equalization to some is the process of making ten grams or less of cocaine a class “C” felony [see side bar]. This is totally unacceptable and will have an adverse affect on what we are all attempting to accomplish – fair sentencing practices. We are going to have to change our way of speaking. Instead of calling for crack/cocaine equalization, we should use some other phrase that narrowly defines what we are truly seeking. How does this sound? “Crack to powder threshold adjustment”. Do you suppose it will catch on?

Pharmacologically, the two substances are identical.
<http://www.drugpolicy.org/drug-facts/cocaine-and-crack-facts>

Current Iowa Law:

Crack Cocaine = |

Powder Cocaine = |||||

This is what we desire:

Crack Cocaine = |||||

Powder Cocaine = |||||

This is what some legislators and law enforcement officials want:

Crack Cocaine = |

Powder Cocaine = |

Each | represents 10 grams.

Open CBC Residential Facilities

The State of Iowa expended millions in infrastructure funds to build CBC residential facilities in Waterloo, Sioux City, Cedar Rapids, Davenport and Ottumwa. Without operational funds, each location will be unable to address the prison waiting list, meet local community requirements for mental health, gender responsivity programming, substance abuse and other positive outcomes to assist with reentry and eventual lower recidivism rates.

When facilities remain empty, infrastructure issues also arise, as components in the facility remain idle, leading to premature equipment and mechanical failures. Warranties on most of the machinery, fixtures, and appliances in these vacant facilities have expired. The following is a breakdown of the five CBC residential facilities that are empty or being used on a limited basis (offices open during the day with no transitional overnight residents):

1st Judicial District – Waterloo

- Residential Bed Increase = 45
- Average Waiting List = 45
- Facility Completed April 2011
- 20 new FTE's Needed
- Operational Costs = \$1,374,378

3rd Judicial District – Sioux City

- Residential Bed Increase = 42
- Average Waiting List = 105
- Facility Completed April 2012
- 14 new FTE's Needed
- Operational Costs = \$1,028,375

6th Judicial District – Cedar Rapids

- Residential Bed Increase = 26
- Average Waiting List = 85
- Facility Completed November 2008
- 13.5 new FTE's Needed
- Operational Costs = \$800,680

7th Judicial District – Davenport

- Residential Bed Increase = 40
- Average Waiting List = 60
- Facility Completed October 2010
- 13 new FTE's Needed
- Operational Costs = \$794,492

8th Judicial District – Ottumwa

- Residential Bed Increase = 25
- Average Waiting List = 50
- Facility Completed June 2012
- 9.35 new FTE's Needed
- Operational Costs = \$804,022

Talk to your state legislators before the session begins. Urge them to fully fund these facilities and reduce the population of our prisons. But money aside, the real point is that incarcerated offenders should have the opportunity of a long transitional process in order for them to succeed. Holding them for long periods of time in prison will only mean that the offenders will have very little, if any, supervised release. Evidence proves that unsupervised release is a recipe for recidivism. That alone is a costly process!

Parole Board Changing the Rules

Not many people, including legislators, know how the Board of Parole (BOP) works. The BOP reviews over 16,000 files per year and releases approximately 2,000 offenders on to parole or work release. That's a lot of work.

There are five BOP members. Two are full-time employees of the state; the Chair and the Vice-Chair. The other 3 are volunteer members of the board that receive mileage, lodging, and per Diem (meal expense). It isn't realistic to expect the 3 non-salaried members of the BOP to be present each and every day to review cases. But that's sort of what a few legislators seem to expect.

The current procedure for granting parole or work release is best described in *Budget Unit: Board of Parole, Fiscal Topics*. Legislative Services Agency. Lenstra, Beth. June 12, 2012.

The Board has used a validated risk assessment tool since March 1981 that has been periodically revised over time. In the current version of the tool, an offender is rated on a scale from two to nine. In order to be granted parole or work release, offenders with a risk score of two through six require three affirmative votes from the Board; offenders with a risk score of seven or eight require four votes; and a risk score of nine requires a unanimous vote of the full Board. The Board is working with the DOC on a *revised risk assessment* to improve its risk assessment's prediction.

BU Number: 5470B400001

https://www.legis.iowa.gov/DOCS/LSA/Fiscal_Topics/2013/FTBAL001.PDF

The Board of Parole is changing its rules because the revised risk assessment highlighted in the Fiscal Topic above has been validated and approved by the BOP. It's been over 30 years since a scoring system was first used to determine who should or should not be released. That's a long time to use an antiquated system. The new move will not release more violent offenders back into society as some suggest, but it will determine more precisely those who have truly made an

honest attempt at rehabilitation to be released in time to take advantage of supervision and extended rehabilitating programs.

As the new administrative rule becomes effective, BOP panels of 3 will review the individual files and make decisions based upon the newly adopted risk assessment instrument. There seems to be some confusion about the makeup of the panels. Attending a Legislative Rules Review Committee meeting, it was evident that some legislators thought that the same 3 people would review “all” records and conduct “all” interviews. That’s not the case. The two full-time Board members will carry the bulk of reviews and interviews, but the remaining 3 non-paid Board members will rotate assignments on files.

JRC has a concern about the newly adopted risk assessment instrument, but compared to the current procedure, it is our opinion that the rule change that became the new process as of Dec. 5th is a necessary and timely improvement. Rather than three Board members counting on the notes of two members, there will be a three-person focus on individual reviews.

Try to pass this test?

This is the 68-question test that was required to be taken and passed in Alabama in 1965 in order to vote:

http://www.pbs.org/wnet/jimcrow/literacy_popup.html

FAIL



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Thinking about helping out a good cause toward the end of the year? How about JRC? We'll accept anything from \$1.00 to \$10,000. Yes, we place a limit on it. Anything beyond \$10,000 'may' require a lot of government paperwork. Sigh!

Please help us with your generous contribution today.

I want to help Justice Reform Consortium with its goal of working toward restorative justice.

Here is my contribution of \$ _____

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Links worth viewing:

Nebraska officials sweat under the collar about what to do with juvenile lifers:

<http://www.omaha.com/article/20121128/NEWS/121129631/1690#pardon-board-s-plan-to-resentence-27-inmates-draws-chorus-of-objections>

The New Civil Death

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2072736

UPCOMING EVENTS

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The next **Friends of Iowa Women Prisoners** meeting is at noon on **Tues., December 18th** at Wesley United Methodist Church, 800 East 12th.

In December we welcome David Erickson, chairman of the Iowa Department of Corrections Board. The Board is responsible for approving the department's budget, general public oversight of the department and to make recommendations to the Governor when a new Director is

appointed. Mr. Erickson is an attorney and a senior shareholder in the Davis Brown Law Firm, where he works primarily in the business division, but also in the area of juvenile law.

Bring your lunch. The place and time are consistent throughout the year. The meetings are always held on the third Tuesday of the month, and always held from noon to 1:00 pm at Wesley United Methodist Church located at 800 East 12th Street in Des Moines. The location is a block west of East High School. Please contact [Vi](#) for more information.

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Voices to be Heard is a support group for families and children of an incarcerated loved one. The group gathers to support and comfort those who know too well the grief that comes to those left behind when someone they love is incarcerated. The group meets on the first and third Tuesdays of the month at Union Park Methodist Church (East 12th & Guthrie in Des Moines) from 5:30 – 7:00 p.m. The group brings in speakers, performs outreach, provide support groups and leadership classes. It is a good idea to contact Melissa ahead of time because the group provides dinner and a head count is preferred. Contact Melissa at 515/229-2645 for more information.



Justice Reform Consortium member organizations: Iowa CURE & Iowa Coalition 4 Juvenile Justice; Friends of Iowa Women Prisoners; Trinity United Methodist Church; Methodist Federation for Social Action; Voices to be Heard; ACLU of Iowa; Social Action Committee, Des Moines Presbytery; Des Moines Chapter of WILPF; American Friends Service Committee; Plymouth Congregational Church, Board of Christian Social Action; Iowa Annual Conference, UMC; Iowa NOW and Des Moines NOW; National Association of Social Workers; Beacon of Life; Citizens for Undoing Racism-War on Drugs Task Force.

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