

**Report of the
Governors Task Force
on the**

**Overrepresentation of
African-Americans in Prison**



Respectfully Submitted

December 2001



**GOVERNOR'S
TASK FORCE
On
AFRICAN AMERICANS
In
PRISON**

THOMAS J. VILSACK,
GOVERNOR
SALLY J. PEDERSON,
LT. GOVERNOR

WAYNE FORD
CO-CHAIR
DIANN WILDER-TOMLINSON
CO-CHAIR

Laverne Armstrong
Sam Black
Rand Conger
Elizabeth Robinson-Ford
Brian Gentry
Mrs. Willie Glanton
Albert Habhab
Kip Kautzky
Joy Lowe
Bill McCarthy
Traevana Potter-Hall
Don Rowen
Adrien Wing
John Goeldner, Assistant
Linda Haack, Secretary

420 Watson Powell Jr. Way
Des Moines, IA 50309

(515) 242-5702
(515) 281-7345 fax
(515) 967-5347 fax

Governor Thomas J. Vilsack
Capitol Building
Des Moines, Iowa 50309

Dear Governor Vilsack:

The Task Force on African Americans in Prison has labored since October of 1999 to document the reasons for the large numbers of African Americans in Prison. The Task Force divided into committees to better research each of four individual areas. Those areas are: Criminal Justice, Education, Employment and Health. We held five public hearings and visited both male and female correctional institutions. We have found that although there is no clear-cut answer to this question, there are some areas which seem to have the greatest amount of impact.

In the following report, the Task Force has attempted to give you the facts of this problem, our recommended solutions and ideas for other things that can be done to stop this alarming trend. We have taken into consideration the budget restraints of this time and have found some ideas that can be implemented through agencies that already exist.

We invite your questions about what we have proposed. We would like to take this opportunity to thank you for the privilege of serving on this important Task Force.

Sincerely,

Wayne Ford, Co-chair

Diann Wilder-Tomlinson, Co-chair

WF/DWT/lh

Credits

Task Force Co-Chairs

Wayne Ford, State Representative, Des Moines
Diann Wilder-Tomlinson, Warden, Iowa Correctional Institution for Women

Task Force Members

Vern Armstrong, Bureau Chief, Dept. Human Services, Protective Services
Sam Black, Probation/Parole Officer, Cedar Rapids
Dr. Rand Conger, Iowa State University, Institution for Social and Behavioral Research
Tom Ferguson, County Attorney, Blackhawk County
Brian Gentry, General Counsel, Governor's Office
Willie Glanton, Community Activist, Des Moines
The Honorable Albert Habhab, Senior Judge, Court of Appeals
W. L. 'Kip' Kautzky, Director, Iowa Department of Corrections
Joy Lowe, Community Activist, Waterloo
Bill McCarthy, Assistant Chief, Des Moines Police Department
Traevana Potter-Hall, Director, Commission on the Status of African Americans
Elizabeth Robinson-Ford, Vice Chair, Iowa Board of Parole
Don Rowen, Labor Representative, Des Moines
Adrien Wing, Professor, University of Iowa, College of Law
Dr. R. Dean Wright, Professor, Drake University

Task Force Participants

Dick Moore, Director, Criminal Juvenile Justice Planning
Dr. Ed Schor, Iowa Department of Public Health

Task Force Facilitator

Mary Chapman, Vice President, Des Moines Area Community College

Task Force Project Coordinator

John Goeldner, Iowa Department of Corrections

Task Force Secretary

Linda Haack, Iowa Correctional Institution for Women

Task Force Graduate Assistants

University of Iowa College of Law

Malik Cupid
Justin Page

University of Northern Iowa

Carrie Schrage
Joseph Fuxa

Iowa State University

Heather Cole
Kathy Gibbs



Table of Contents

Introduction	1
Education Committee Findings and Recommendations	5
I. Introduction	5
II. Factors that Contribute to Low Student Achievement Among African-American Students	7
Access to Educational Resources	7
African-American Faculty and Administrators	7
Communication Between School Officials and Families	8
III. Strategies for Improving African-American Student Achievement	9
Employment Committee Findings and Recommendations	12
I. Introduction	12
II. Factors that Contribute to High Unemployment Rates Among African-Americans	13
Prior Employment Experience	13
Support Services	13
Criminal History	14
Discrimination	14
III. Strategies for Reducing the High Unemployment Rates of African-Americans	14
Health Committee Findings and Recommendations	17
I. Introduction	17
II. Factors that Contribute to a Lower Health Status for African-Americans	17
Prenatal and Early Medical Care for Children	17
Poverty	18
Access to Substance Abuse and Mental Health Treatment	18
III. Strategies for Improving African-American Health	18
Justice Committee Findings and Recommendations	21
I. Introduction	21
II. Factors that Contribute to High African-American Incarceration Rates	21
Sentencing Policy	21
Racial Profiling	21
Juvenile Justice	22
Additional Findings	22
III. Strategies to Reduce high African-American Incarceration Rates	23
Conclusion	27
End Notes	29



Introduction

In 1999, 24 percent of Iowa prison beds were occupied by African-American inmates, despite the fact that African-Americans comprised just over 2 percent of the state's total population. That year the median incarceration rate for African-Americans in Iowa was 2,950 per every 100,000 people (or approximately 3.0 percent of the state's African-American population). The median incarceration rate for Caucasians in Iowa was 188 per every 100,000 people (or approximately 0.2 percent of the state's Caucasian population). Seven percent of all African-Americans in this state were under some form of criminal justice supervision in 1999. 1999 statistics also reveal that there were nearly twice as many African-Americans under criminal justice supervision in Iowa than attended one of the state's post-secondary institutions.

These statistics should not be viewed as insignificant or benign. They provide a clear indication of the devastating epidemic sweeping across the African-American communities in this state, decimating their social and moral fabric and lowering the standard of living of all Iowans. State incarceration rates reflect the number of people who are removed from African-American communities for long periods of time. Imprisonment strains, and often times breaks, the bonds of the nuclear family. Inmates return to their communities as lost family members and less-eligible marriage candidates. Current demographics suggest that the number of children born out of wedlock, or are being raised by single mothers, may be directly related to the incarceration and/or marginalization of African-American men. Children who grow up in this environment are at risk of being socialized to minimize the importance of institutions like education and marriage. Many learn to accept the "inevitability" of prison as a pre-destined stage in life. In a state struggling to attract skilled workers for business expansion, our failure to effectively address this issue is self-destructive.

On September 14, 1999, Governor Vilsack announced the creation of the Governor's Task Force on African-Americans in Prison to assess the factors that have contributed to a disproportionate representation of African-Americans in Iowa prisons. The Governor directed the Task Force to formulate a set of recommendations that address this phenomenon. The Governor also directed the Task Force to focus its review on four broad categories: education; employment; health; and the criminal justice system.

The Task Force began its work by reviewing the findings and conclusions of prior study groups that examined this issue. This preliminary review examined the 1993 Iowa Supreme Court Task Force report on race and gender bias in the state court system. The Supreme Court Task Force concluded in its report that:

"in most instances of the day-to-day court procedures and practice of law, biased conduct is not evident, and that most attorneys and judges rarely, if ever exhibit overtly or intentional biased conduct. Nevertheless, there is no question that some quantum of race and gender bias exists."

The Supreme Court Task Force found that: (1) women and minorities were significantly underrepresented in important sectors of the criminal justice profession; (2) demographics influence the experiences of men and women and Caucasians and minorities in their interactions in the courtroom; and (3) evidence suggests that gender and race may at times negatively affect the interests of certain classes of litigants, specifically minority defendants within the criminal justice system.¹

The Governor's Task Force on African-Americans in Prison gathered information on all four topical categories proscribed by Governor Vilsack. Task Force members met with inmates from Iowa Correctional Institution for Women at Mitchellville, the Newton Correctional Facility, and the Anamosa State Penitentiary. The Task Force also held a series of public hearings across the state to solicit additional input from concerned residents. This report represents the culmination of our work.

Attempting to explain this complex social phenomenon is a particularly daunting task. Volumes of data, shifting variables, and the diverse perspectives of Task Force members have made the drafting of this report quite challenging. Nevertheless, this report represents the findings and conclusions of the Task Force as a whole. Yet, it should not be characterized as an all-inclusive assessment of this topic. The complexities of each issue addressed herein far exceed the level of expertise attained by any single researching body.

This report attempts to describe the general causes of the disproportionately high incarceration rates of African-Americans in Iowa. It also attempts to reflect the interconnectedness of broad factors that contribute to the conditions affecting many people in this state. Lastly, we attempt to provide a general description of initiatives that can be taken to address these pressing challenges.

Before reviewing the full text of this report, several items should be noted. Disparate incarceration rates among African-Americans are not solely an Iowa phenomenon. Minnesota, Wisconsin, Nebraska and Connecticut are all states with relatively small African-American populations and substantially high African-American incarceration rates. Although it may seem counter-intuitive, based upon the notoriety received by some southern states in light of their tragic histories on the issue of race, the most disturbing statistics seem to come from Midwestern and New England states. Longer histories of racial tolerance do not inoculate these states from the troubling patterns of disproportionate incarceration rates. Demographic challenges and criminal justice policies may help to explain this phenomenon. However, one must conduct a thorough comparison of these states in order to formulate a conclusive explanation.

The median incarceration rate of African-Americans in Iowa ranks among the top five nationally. This rate has remained at nearly the same level over the past 30 years, despite changes to variables that on the surface would seem to impact the demographic makeup of Iowa prisons, namely: the adoption of indeterminate sentencing in the 1970s; stiffer sentencing for drug offenses in the 1980s; and the advent of mandatory minimum sentencing in the 1990s.

One can also observe disparity patterns by comparing the various sectors within the state's criminal justice system. African-Americans in Iowa are more likely than other racial or ethnic groups to receive prison terms for committing a criminal offense. Seventy percent of the state's prison population is Caucasian. Twenty-four percent of the prison population is African-American. Yet, 83 percent of offenders who receive probation, in lieu of serving a prison sentence, are Caucasian while only 14 percent of probationers are African-American. Eighty-two percent of all offenders under the supervision of a community-based correctional program are Caucasian, while only 12 percent of the CBC supervised population is African-American.²

The percentage of African-Americans in Iowa prisons seems to increase at each security level. Twenty-three percent of the inmates at the Newton Correctional Facility (minimum/medium security) are African-American. Twenty-eight percent of the inmates at the Anamosa Correctional Facility (medium/maximum) are African-American. However, 38 percent of the inmates in the maximum-security unit of the Iowa State Penitentiary in Fort Madison are African-American.³

This report focuses on tangible factors that contribute to disparities in our state's prison population. However, the existence and insidious effect of 'institutional racism' may be a common thread running through many of these factors. Whether we like to admit it or not, race and race consciousness has played a prominent role in the evolution of our nation. For over 250 years, the American economy benefited from the uncompensated labor of an enslaved population of African-Americans. The only war in this nation's history, pitting its citizens against one another, was precipitated by the existence of slavery as a government-sanctioned institution. In the 1960s, federal legislation was needed to guarantee constitutional rights, penned by our founding fathers in the infancy of our nation. And at no time in this nation's history, have African-Americans enjoyed successes, as a group, on par with the majority of this nation's population.

The issue of race, and the myths that surround it, are ingrained in our social fabric and permeate our attitudes, thoughts and actions. Yet, few people in this state seem to project an awareness of the psychological, sociological, and structural carryovers of a system that provided privileges to one class, and denied basic rights to another, on the basis of race. The absence of a tumultuous history, and the generally kind and caring nature of Iowans, lead many to conclude that race no longer plays a factor in the day-to-day life of the people of this state. Nevertheless, the fate of a disproportionate number of African-Americans living in Iowa remains one of poverty, under-employment, illiteracy and despair. And the existence of an imperceptible tie between race-consciousness and these tangible factors, no matter how remote, seems undeniable.

The level of frustration felt by many African-Americans in Iowa cannot be overstated. At each public hearing, Iowa residents provided passionate testimony about the existence of institutional racism in this state. These comments did not cite government institutions as the source of the problem. Rather, they seemed to question whether the people who serve in these institutions possess the compassion,

understanding or desire necessary to ensure that government supports those who need its assistance the most.

Over the past 10 years, state leaders have made a clear commitment to increase the state's capacity to house prison inmates in response to a growing concern for public safety (three prisons have been constructed since 1994, at a cost of \$90 million). However, no clear commitment has been made to programmatically address the underlying issues that lead persons, particularly African-Americans, to engage in criminal activity. For many African-Americans, this message is undeniable. In 1999, the state of Iowa spent \$5,997 to educate each student in public primary and secondary schools.⁴ That same year, the state spent \$18,500 to house each inmate in a state correctional facility.

The role of state government in diminishing the intangible causes and effects of institutional racism is difficult to gauge. Government has only a limited capacity to elevate the hearts and minds of its citizens. Nevertheless, state government can implement remedies that are targeted to address the tangible factors that contribute to disproportionate incarceration rates in this state. State government can also take tangible steps to increase the level of participation of disengaged groups within state government institutions. Being mindful of the impact of perceived prejudicial attitudes can also lead to the successful implementation of strategies that improve the skills of African-Americans and increase their confidence in the operation of state institutions.

EDUCATION COMMITTEE FINDINGS AND RECOMMENDATIONS

I. Introduction

The Task Force believes that education provides the best long-range opportunity for reducing incarceration rates among African-Americans in Iowa prisons. Traditionally, academic achievement increases the economic opportunities that are available to people, and greatly diminishes the risk factors that contribute to criminal activity. In addition, an effective educational delivery system can promote the development of sustainable social skills that improve student relationships with others, and increase their understanding of, and interaction with, public institutions throughout their lives.

The absence of a quality education appears to be a good predictor of criminal behavior. The inmates who were interviewed by this Task Force identified poor academic performance as a key component contributing to their criminality and subsequent incarceration. Statistical evidence seems to support this position. On average, Iowa inmates read at a 9th grade level when they enter the criminal justice system (nearly two grade levels below the average length of schooling that most inmates have received by the time they enter prison).⁵ Many entered the work force facing the prospect that they would earn 70 percent less than their former classmates simply because they failed to obtain a high school diploma.⁶

In Iowa, 43 percent of all African-American offenders incarcerated in state prisons in FY01 had not received their high school diploma or GED certificate before admission.⁷

Iowa has traditionally out-performed other states in the area of student achievement. In 2000, 28 percent of Iowa students exceeded national proficiency levels in math, science and reading.⁸ On the other hand, African-American students in Iowa have traditionally performed below the average state student achievement levels in each of the subject areas.

In Iowa, 37 percent of Caucasian 4th graders scored at or above the reading proficiency level designated by the US Department of Education. Only 7 percent of African-American 4th graders attained this level. Conversely, 26 percent of Caucasian 4th graders read below acceptable standards. Sixty-four percent of African-American 4th graders read below this level.⁹

A clear line of demarcation has developed, separating the academic performance of African-American students in this state from Caucasian students. Only 51.8 percent of African-American men and 48.7 percent of African-American women living in this state have completed their high school education.¹⁰ African-American students drop out of school at three times the rate of Caucasian students per capita. Furthermore, for every three African-American students who will graduate from high school in Iowa this

year, one will drop out. The rate for Caucasian students is ten graduates for every student who drops out of school.¹¹

Educators across the country measure differences in the academic performance of African-American and Caucasian students by comparing national test scores. In 1998, the National Assessment for Educational Progress (NEAP) report revealed a deep division in the performance of Iowa students when comparing racial groups. On average, African-American 8th graders scored 30 points below their Caucasian classmates in the areas of science and math. These statistics are interpreted to mean that African-American 8th graders are 3 years worth of learning behind their Caucasian classmates.¹² This “achievement gap” constitutes a major hurdle for African-American students as they work to navigate an increasingly competitive economic environment.

African-American 4th graders scored 34 points below their Caucasian classmates in reading in 1998. The gap was 18 points in 1992.¹³

A number of theories have been proposed to explain this phenomenon, most notably, low socio-economic standing. Socio-economic factors undoubtedly play a role in the lower academic achievement of African-American students. However, relying solely upon this explanation would diminish the complexity of the problem. African-American students in Iowa have been out-performed on national proficiency tests by demographic groups that share similar socio-economic profiles. For instance, Hispanic students, and students who are eligible for free and reduced lunches, received an average reading score of 210 on national assessment tests. African-American students received an average reading score of 192 on those same tests. In science, Hispanic students scored 9 points higher than African-American students on national assessment tests.¹⁴ Since these groups share similar socio-economic backgrounds, a more comprehensive explanation of low African-American student achievement is required.

The achievement gap can be explained in part by examining the funding patterns of schools with high African-American enrollment. A growing body of research shows that additional dollars spent on the right things can substantially raise the achievement of poor and minority students. However, despite decades of school finance litigation in many states, students in districts with the greatest challenges by and large still receive the fewest resources. School districts in Iowa, with the highest minority enrollments receive on average \$596 fewer state and local dollars to spend per student compared with the lowest-minority districts. School districts with the highest child poverty rates receive \$456 fewer state and local dollars than the lowest child poverty districts.¹⁵ This funding gap can make a substantial difference in the level of curriculum, support services, and quality of instruction available to various school districts.

‘Non-academic’ considerations also affect the achievement gap. On average, African-American students in Iowa fall into a larger number of “at-risk” categories than other demographic groups. Unchecked, these “at-risk” categories can substantially interfere with the educational experience, limiting a student’s desire and/or ability to learn in a traditional academic setting. A number of studies list the specific “at-risk” categories that seem to contribute to low student achievement in primary and secondary

schools. These at-risk categories include: (1) weakened family structures; (2) poverty; (3) behavioral problems and disorders; (4) gang-affiliation; (5) teenage sex and pregnancy; (6) drugs; and (7) violence and crime. Rather than restating the findings of these study groups, this Task Force decided to focus on the broad factors that can be targeted more effectively by a comprehensive and sustained education initiative.

II. Factors That Contribute to Low Student Achievement Among African-American Students

Access to Educational Resources

The first factor is the lack of access that African-American children have to quality educational resources, outside of the traditional K-12 class setting. At public hearings held across the state, people lamented about the disproportionate percentage of African-American students in Iowa who begin school without the tools that are necessary to learn core subjects proficiently. Targeted early intervention programs, such as Head Start and High Scope, have offered some assistance in offsetting the conditions that may hamper school readiness, namely: limited adult supervision, early socialization challenges, poor nutrition, and poor health practices. However, these programs in their current forms need additional support to effectively facilitate the development of the cognitive and social skills of African-American youth. Once a student begins school behind the skill level of classmates, there is a greater tendency for that student to develop self-images, and feelings toward learning, that can greatly impair the educational process. Without an early effort to bring these students up to the skill level of their classmates, problems may develop that contribute to “at-risk” behavior.

Research on early childhood education shows that early learning experiences tend to have a profound effect on the attitude and skill development of students. Early childhood is a critical time period where neurological development and early socialization occur. Children enter this period with inquisitive, active minds, and make positive or negative associations with education depending upon their early experiences.¹⁶

In general, African-American children are not exposed to the variety of educational or learning experiences that Caucasian children are exposed to outside of a classroom setting. As a result, African-American students, who manage to end a school year on par with their classmates, often find themselves beginning the new school year behind. This phenomenon not only reinforces the negative feelings described above, but it also imposes additional pressure on teachers to bring these students up to par after extended time away from the classroom.

African-American Faculty and Administrators

The second factor identified by the Task Force is directly related to the demographic composition of the state. African-American students in Iowa do not interact with a large number of African-American faculty and administrative officials.

Caucasian faculty and administrative officials make up the vast majority of education professionals in Iowa's primary and secondary schools. This demographic feature creates special challenges for schools and school districts across the state as they deliver educational services to African-American students.

In Iowa, 33,901 teachers in K-12 schools are Caucasian. 235 teachers are African-American (.007 percent of the state's teachers). In 1998, the percentage of students and faculty were as follows: (1) .5 African-American student per 1 Caucasian teacher; (2) 77 African-American students per 1 African-American teacher; (3) 14 Caucasian students per 1 African-American teacher; and (4) 1,938 Caucasian students per 1 African-American teacher.¹⁷

This Task Force found no scientific evidence to support the conclusion that African-American students learn better from African-American teachers. However, numerous studies reveal that African-American students perform better academically when their learning environments embrace and reflect the value of diversity.

Taylor Fischer, a retired elementary school principal from San Jose California found that students in his school who had the most interaction with a classroom teacher seemed to receive the best grades. He also found that Caucasian male students in his school tended to have the most interaction with the classroom teachers, who are predominantly Caucasian, while African-American males had the least.¹⁸

Throughout the state, Task Force members heard African-Americans testify that African-American culture and perspectives are not valued as highly by Iowans as the culture and perspectives of Caucasian residents. African-American youth are barraged with negative messages that define physical attractiveness, individual intelligence, and proclivity to commit criminal acts. Left unchecked, these messages can generate feelings that contribute to alienation and diminished ties to social conformity. The presence of African-American faculty, and other role models, can enrich the academic environment by helping to ease feelings of alienation that may turn numbers of African-American students away from school as a relevant institution.

Communication Between School Officials and Families

The third factor is a lack of communication between African-American families and local schools and school districts. In general, African-American families maintain only limited contact with school and school district officials in this state concerning school programs and the performance of their children. Several people expressed frustration with school officials, school policies and the delivery of education in Iowa generally. There appeared to be little identification with schools or the people who make decisions about school policy and activities.

III. Strategies for Improving African-American Student Achievement

The Task Force believes that the most important step that can be taken by school districts and the Iowa Department of Education is to acknowledge that an achievement gap exists between African-American students and the general student population in the state of Iowa, and understand what the gap looks like and where it originates. Each entity responsible for the delivery of educational services within the state must also be committed to the implementation of a broad programmatic approach that doesn't focus on a narrow set of initiatives, but rather re-designs the learning experience to accommodate the special needs of African-American students and their families.

The Task Force believes that programmatic changes should incorporate the following recommendations:

1. *The state should increase its support for early childhood education.*

This step is critical. Early childhood education opportunities provide families with valuable daytime supervision. More importantly, these programs provide critical tools for early childhood development. Research suggests that the most profound development in the human brain occurs between birth and the age of three. An effective child development program greatly enhances school readiness by aiding in the development of cognitive and social skills that will enable children to perform on a higher level when they enter kindergarten.

Historically, early childhood education has been treated as a family responsibility. However, the state has a vital interest to ensure that every child receives a quality early childhood education. Evidence suggests that early educational programming for disadvantaged youth can result in a benefit to cost ratio of \$8.74 for every dollar spent when remedial programming is taken into consideration.¹⁹

Program designs should be made in consultation with the Iowa Department of Education and the Iowa Department of Human Services.

2. *The state should invest in after-school and summer-school programming and other youth development services and activities that provide African-American students with access to educational and social opportunities in a safe and nurturing environment.*

Reduced class sizes and improved teacher skills constitute two powerful reform initiatives. The third leg of the stool should include a systematic effort to deliver support services to students away from the classroom. Statistics show that the delinquent acts committed by young people often occur between the hours of 4-7pm when there is customarily an absence of adult supervision. Statistics reveal that youth who participate in mentoring programs are 46 percent less likely to take drugs, and 27 percent less likely to drink alcohol.²⁰

A 'best practices' case management model should be designed in consultation with the Iowa Department of Education, the Iowa Department of Human Services and local school districts, which outlines criteria to assist schools in: 1) identifying students in need of developmental services; 2) identifying the services that those student's need; and 3) designing a system to assess and monitor student participation in the support services. Also, regular course work should be offered to students during the summer months to build upon the skills developed during the prior school year, and prepare students for the upcoming school year.

3. *Promote the review and revamping of school district disciplinary policies.*

In Iowa, African-American students comprise 3.6 percent of the student body in public K-12 institutions. However, African-Americans constitute 14.72 percent of all students suspended from school for behavior related events. Juvenile court officers lament that the removal of a student from one school setting and placement into a new setting increases the likelihood that the student will engage in anti-social or unlawful behavior, since the bonds that the student has formed with the first learning environment are severed during a transfer to a new and unfamiliar setting. The risks associated with removal are even higher for African-American students because of the difficulty that some African-Americans face in forming bonds with a state or local institutions. Statistical information should be gathered to determine the prevalence of, and manner in which, African-American students are disciplined in Iowa schools. Steps should then be taken to develop intermediate sanctions and provide relevant support services that address behavioral problems in manner that maximizes the student's contact with a familiar school setting.

4. *Encourage school districts to improve the effectiveness of schools by improving communication between school officials and African-American families.*

Schools and school districts should make communication with African-American families a priority by designing communication strategies that are supportive and non-threatening. Each school district should be encouraged to show families how they can get involved with school activities. Personal letters describing a student's progress, regular phone contacts, home visits, and activities geared to draw parents to the school should be included in this strategy. This recommendation reflects an area where African-American faculty and administrative staff would prove to be extremely valuable.

5. *Encourage school districts to improve the effectiveness of schools by increasing their communication and relationships with community service organizations in African-American neighborhoods.*

Schools are incapable of taking care of all of the needs of their students. However, many of these needs have a direct impact on student achievement. Therefore, other established community services should be utilized to support school activities whenever possible. Formal plans with community organizations should be established at all grade levels to identify clear working relationships and

responsibilities. Each school should be encouraged to identify community services that are available in African-American neighborhoods, contact people, and the procedures that will be used to coordinate services. Joint meetings between the support agencies and school staff should be formalized, and communication should be sent to families to educate them about these relationships. School districts should also be encouraged to actively solicit mentors for African-American students.

6. *The state should increase funding to school districts to expand skill recovery programs in the classroom.*

The state should encourage the development of a service delivery system, wherein African-American students who need to receive more intensive academic assistance can obtain that assistance within the regular classroom setting. The Task Force believes that this initiative should be undertaken in conjunction with a statewide review of policies for student placement into special education classrooms.

7. *The Department of Education should initiate an aggressive program to recruit and retain African-American faculty and staff.*

A more pronounced presence of African-American faculty and staff is necessary to increase the bonds between African-American students/families and schools. An increased presence will also increase the exposure that Caucasian students have to African-American educators and administrators. This recruitment effort should utilize all existing resources, including para-teachers and volunteer assistants. School districts should also be encouraged to employ the use of exchange programs between districts in an effort to increase the contact that Caucasian students have with African-American faculty and administrators.

8. *The state should require teachers to receive regular and relevant training on understanding and promoting diversity as part of any continuing educational course.*

This training should be designed to help teachers to understand the perspective of African-American students and families. Teachers should be trained to identify problems that may be specific to African-American students, and employ strategies to combat them.

Each of these initiatives will take time to implement in a comprehensive fashion. The Department of Education and local school should invest time and resources to educate the public about their intent to increase African-American student achievement. This communication initiative should set out the short-term and long-term strategies that will be implemented to address these issues. The Department of Education and local school districts should also sponsor periodic forums in African-American communities throughout Iowa to solicit input and report on the implementation of these strategies.

EMPLOYMENT COMMITTEE FINDINGS AND RECOMMENDATIONS

I. Introduction

In 2000, the national unemployment rate stood at 4.5 percent. The national unemployment rate for African-Americans was 11.3 percent. The disparity between races was even more pronounced in the state of Iowa. The statewide unemployment rate in 2000 was 2.6 percent while the unemployment rate for African-Americans in this state stood at 10.5 percent.²¹

A number of social and economic trends have converged to create a difficult employment picture in African-American communities across the state. Changes in the job market have contributed to an unprecedented marginalization of the African-American workforce. Over the past twenty-five years, the bulk of employment opportunities have shifted from the industrial sector to the service sector. Today, many of the employment opportunities that are available to Iowa workers require a higher level of knowledge and skill, including the ability to utilize technologically advanced equipment. Therefore, low academic performance among African-American students translates into fewer employment opportunities down the road.

The vast majority of African-American inmates in Iowa come from, and return to, disadvantaged and segregated urban communities. These inner-city neighborhoods are often plagued by crime and high incarceration rates. In many parts of this state, where incarceration rates are low, the experience of incarceration remains largely an individual and family matter. In fragile inner-city communities, however, incarceration levels have risen to the point where a disproportionately heavy burden rests upon the community to support economically and socially challenged people after discharge from prison. Furthermore, these communities do not tend to attract businesses that provide adequate employment opportunities for area residents.

The ability to secure and maintain employment has an impact on whether an offender will be sentenced by a court to serve time in prison. Fifty-two percent of all offenders serving time in a community based correctional program are employed full time. Only thirty-four percent of offenders placed into a community based correctional program are unemployed.

The resources to deal with the problems of widespread unemployment and poverty have been shrinking. Training and support services have enjoyed moderate success, but are not designed to bring people back into the mainstream economy in large numbers. Community resources, such as churches and community centers, have assumed permanent roles and are now confronted with issues that seem to stretch beyond their traditional roles (child-care, tutoring, peer counseling, job training, personal hygiene, and drug intervention). Without adequate outside assistance, these organizations cannot effectively deliver employment support services to community members.

II. Factors That Contribute to High Unemployment Rates Among African-Americans.

The impact of education on employment prospects is direct and substantial. Because a large number of African-American students are not performing well in Iowa schools, many of these students are not equipped to compete effectively upon entry into the labor market. Other barriers, which are separate and distinct from student achievement difficulties, also contribute to the exceptionally high rates of unemployment in this state.

Prior Employment Experience

The first factor that contributes to low African-American employment levels is the lack of experience that many African-Americans possess when seeking to secure career employment. In 1999, the unemployment rate in Iowa for persons between the ages of 16-19 years was 7.5 percent. The unemployment rate for African-Americans in this age group was 39.9 percent.²² Limited employment opportunities in African-American neighborhoods, family obligations, and personal attitudes toward low-wage employment all seem to contribute to this high percentage.

The absence of work experience for African-American youth seems to impact their employment opportunities once they get older. The unemployment rate for African-Americans between the ages of 25-34 was seven times higher than the state unemployment rate for all persons in this age group.²³ Limited employer references or a verifiable work history can lead many employers to conclude that African-American applicants are unqualified for open employment positions.

Support Services

The second factor identified by the Task Force is the absence of sufficient support services to assist people who may have non-work-related hurdles that increase the difficulty of maintaining employment. Access to safe and reliable housing, transportation and quality daycare options present a challenge to many Iowans, but these difficulties are particularly acute in the African-American community. A disproportionately large percentage of African-Americans live in areas that do not sustain many businesses. The ability to purchase and maintain a reliable form of transportation is a luxury that many African-American workers cannot afford. Subsequently, many rely on mass transit and less reliable automobiles for their transportation needs. Both forms of transportation afford less flexibility and can lead to absenteeism if unforeseen events arise.

Due to the disproportionately low academic achievement of many African-Americans, the employment opportunities that are often available do not provide adequate child-care services. Consequently, many African-American families, who cannot afford traditional day-care services, must rely on informal child-care arrangements that can also lead to absenteeism if unforeseen events arise.

Criminal History

The third factor identified by the Task Force is the negative impact created by contact with the criminal justice system. In Iowa, approximately one out of every fifteen African-American residents is currently under some form of supervision within the criminal justice system.²⁴ The criminal background of former inmates and probationers creates a substantial hurdle once they seek employment. Most employment applications require applicants to reveal whether they have been convicted of a felony offense. In many cases, a felony conviction will dissuade an employer from hiring an applicant, regardless of the applicant's qualifications.

The prison experience can be profoundly destructive to work habits. Assuming that an employer is willing to overlook a felony conviction on its face, employers still recognize that an extended exposure to a prison environment can amplify pre-existing attitudes or create new ones that inhibit a person's motivation to assume work responsibilities upon release. Furthermore, a large proportion of state prison inmates lack any kind of job skill or training that can translate into employment at a living wage, once again assuming that the employer chooses to overlook the felony conviction.

Discrimination

The fourth factor identified by the Task Force is the existence of subtle prejudices that can inhibit employment opportunities. Despite the passage of Title VII, hiring biases continue to be reported across the nation. Today, African-Americans are still three times more likely to face discrimination in the hiring process than other racial groups.²⁵ The largest number of civil rights complaints are filed in the area of employment. Last year, 28.5 percent of all non-housing complaints filed with the Civil Rights Commission were based upon alleged racial discrimination.²⁶

III. Strategies for Reducing the High Unemployment Rates of African-Americans

The Task Force believes that programmatic changes to improve the employment opportunities of African-Americans should incorporate the following initiatives.

1. *Promote the development of a state-wide internship program to provide employment opportunities and work experience to young African-Americans.*

Iowa businesses should be encouraged to actively target African-American communities for young people seeking work and skill development opportunities. An effective program that reaches the African-American community will require strong leadership from government officials, and a high degree of coordination between employers, families, schools, and government agencies.

2. *Schools should be encouraged to communicate with Iowa businesses about workforce needs, and restructure the educational experience to communicate and reflect those needs to students.*

School districts should be encouraged to restructure the educational experience in order to convey to students how academic subjects relate to the work-world. Furthermore, the educational experience should require students to develop and apply knowledge, skills and employability attitudes that are designed to lead to more informed career development choices. School districts should be encouraged to employ staff who can assist in curriculum development, communicate and exchange ideas with the business community, monitor student development and provide necessary counseling and placement services.

- 3. Existing state involvement with programs that create statewide school-to-career systems for at risk youth, such as Jobs for American Graduates (JAG), should be increased.*

Not only does JAG help students-at-risk to secure quality education and quality employment, but programs of this nature also have a positive impact on public policy development by changing the way schools and school districts work with at-risk and disadvantaged young people. In difficult budget times, these expenditures are often sacrificed when state officials look for additional money. However, reductions to these proven programs will directly hinder the development of many young people and likely result in spending increases in the criminal justice system to accommodate growing demands.

- 4. The state should increase its support for early childhood education.*

This initiative will provide parents with quality day-time supervision in addition to providing children with access to valuable education services.

- 5. The state should encourage the construction of affordable housing in locations that are either in close proximity to employment opportunities, or are in areas with adequate transportation services.*

Quality housing stock in convenient locations will help African-American workers to take better advantage of employment opportunities around the state.

- 6. Increase the quality of training and employment opportunities for inmates in Iowa prisons.*

Over ninety percent of Iowa inmates will be released back into the community some day. Therefore, the state has an obligation to protect public safety by providing inmates with adequate training and workplace experiences to secure jobs upon release that generate a living wage. Limited studies of inmates who have worked in Prison Industries indicate that these offenders have lower recidivism rates. Efforts should be made to gather more comprehensive data on employment histories, training needs and recidivism rates of inmates in order to direct resources to programs that demonstrate an ability to reduce recidivism.

- 7. The state should initiate a more aggressive outreach program with employers and community service providers to aid the transition of inmates back into the community.*

The state should provide an example to private sector employers for the successful employment and reintegration of ex-offenders into society. Workforce Development and the Department of Corrections should coordinate a program to promote the hiring of discharged inmates. A pilot project should be initiated wherein parole officers oversee a smaller work load, but provide additional management services to assist former inmates in seeking, securing, and maintaining steady employment. The project should be replicated if it proves successful.

- 8. The state should identify strategies for improving the monitoring and enforcement of civil rights laws.*

The Department of Civil Rights should maintain records of all complaints and investigation results for each racial group. The results should be reported to the Governor's Office on a biennial basis. The Civil Rights commission should continue to expand its education and outreach programs to inform people about their rights under the law, and inform businesses, landlords, and other organizations how to conduct their operations in accordance with the law.

- 9. Concentrate an effort within the Department of Workforce Development and its 71 Workforce Development offices to provide access to services to persons in African-American communities who are not being served.*

The Department of Workforce Development should improve the advertising of job services within African-American communities across the state. The department should improve its relationships with community service organizations that serve African-American communities. Also, the successful job fair project held in the spring and fall in Des Moines should be modeled in other communities with large African-American populations.

HEALTH COMMITTEE FINDINGS AND RECOMMENDATIONS

I. Introduction

Many health problems can create risk factors that contribute to criminal behavior. The Task Force believes that a holistic approach to the issue of overrepresentation of African-Americans in prison must include strategies that address health-related challenges. Addressing the underlying factors of substance abuse treatment, mental health treatment, early childhood education programs, and community-based home visitor programs should be an integral part of a comprehensive plan to reduce criminal behavior and the overrepresentation of African-Americans in prison.

Statistics show that the deeper one looks into the “system,” the greater the overrepresentation of African-Americans. This begins at the earliest stages of government intervention and continues to the most restrictive. Overrepresentation increases from child abuse referrals, to out-of-home placements, to juvenile delinquency referrals, to detention placements, to juvenile institution placements, and ultimately to criminal convictions and imprisonment.

The most efficient and effective method for reducing criminal behavior is the development of an effective early intervention and prevention strategy. Unfortunately, these strategies often involve financial expenditures that do not lead to immediate results. Programs such as Health Opportunities for Parents to Experience Success (HOPES-HFI) and Head Start, which have had a real impact on the lives of program participants, often incur significant budget reductions during difficult financial times when there is a tendency to protect initiatives with a shorter-term focus. The effectiveness of these strategies cannot be realized without a sustained commitment from policy-makers.

II. Factors That Contribute to a Lower Health Status for African-Americans

Prenatal and early medical care for children

Access to prenatal care and the circumstances surrounding a birth are key indicators for predicting the future health issues of a child. Today, African-American mothers in Iowa are more likely than Caucasian mothers to be: single; unemployed; under the age of twenty; and users of alcohol or tobacco during pregnancies. Furthermore, African-American mothers are less likely to receive prenatal care from a private physician or nurse/midwife than Caucasian mothers.

In 1999, African-American children in Iowa experienced shorter gestational periods, and were more likely to experience low or very low birth weights than Caucasian children. The infant mortality rate of African-American children in Iowa is among the highest in the country (19.9 per 1,000 live births compared to 5.3 per 1,000 live births for Caucasian children). Furthermore, in 1999, African-American children below the age of six were twice as likely as Caucasian to test positive for elevated lead levels in their blood. Although the significance of lead ingestion is currently under

debate, some studies have linked high lead levels with higher incidences of aggressive behavior, disciplinary problems, juvenile delinquency, and adult criminality.

Poverty

In general, poverty plays a major factor in the incidence of health-related problems and access to quality health-care. The poverty rate for African-Americans is higher than the rate for Caucasians. Also, African-Americans are more likely to be enrolled in Temporary Assistance to Needy Families (TANF), Women Infants and Children (WIC), and rely on Medicaid for medical insurance (one in six African-Americans do not have health insurance compared to one in eleven Caucasian children).

Access to Substance Abuse and Mental Health Treatment

This Task Force has identified substance abuse and mental health issues as key factors contributing to the disproportionate incarceration rate of African-Americans in Iowa prisons. Currently, African-Americans enjoy only limited access to quality substance abuse and mental health treatment in this state. Quantitative barriers, such as limited treatment programming options, limited financial resources, and a lack of insurance coverage reduce access. Also, qualitative barriers, such as limited socially relevant programming, reduce the effectiveness of existing programming options on African-American patients.

III. Strategies For Improving African-American Health

1. *Address system capacity and accessibility of treatment issues for substance abuse and mental health.*

Funding should be increased to provide greater access to substance abuse treatment and to reduce the waiting period to begin treatment. Particular attention should be paid to extending the length of inpatient treatment for various substances, and providing critical outpatient follow-up counseling. Insurance parity for mental health and substance treatment should be a priority.

2. *Outreach and in-home services are needed across a broad spectrum of health services using proven models such as the HOPES and Visiting Nurses programs.*

Home visitation programs such as Health Opportunities for Parents to Experience Successes – Healthy Families Iowa (HOPES-HFI) and visiting nurses programs have continually proven effective. Through in-home visitation services during pregnancy and early childhood, these services provide families with resources and guidance to provide a caring and responsive environment for their children. They provide support and education on child development, family coping skills, positive parenting, and connect parents to community resources. Since these services are provided in the client's home, barriers such as transportation, child-care, and compliance with appointment times are eliminated. Iowa outcomes show that

families that participated in the HOPES program were able to resolve or improve their skills and abilities in the following areas: substance abuse 73 percent; mental health issues 50.4 percent; employment 62.1 percent; and appropriate child-care 81.8 percent.

Also, among the families participating in HOPES, 93.8 percent experienced no child abuse; 98.7 percent received health care coverage; 92 percent complied with immunization schedules; and 89 percent participated fully with well-child examinations. Longitudinal statistical studies have shown a reduction in criminal behaviors by the parents and youth participating in the programs. Studies show that these programs have resulted in a benefit to cost ratio of \$3.06 for every dollar spent.²⁷

3. *Invest in early, intensive, and continual intervention into at-risk issues.*

Researchers have found that implementing community-based prevention programs that include family resilience strengthening are effective in reducing at-risk behaviors, which often lead to criminal behavior. These programs include parent, guardian, and youth training, early intervention services, and follow-up case management. Prevention starts with information, affective education, social competencies and alternatives. They should focus on personal growth, self-esteem, and self-awareness at an early age. Social and refusal skills should be taught to provide a strong defense against environmental risk factors. Research conducted on early childhood education programs, as well as prevention programs conclude that parent involvement is a key factor in reducing at-risk behaviors for youth. Research has found that prevention programs, which target the social and psychological factors associated with drug use and at-risk behaviors, have produced significant reductions in the at-risk behaviors.²⁸

4. *Programs must be culturally sensitive.*

Attention to cultural diversity is critical when implementing programs because of the unique impact of culture and family on a child's development. Early intervention needs to be culturally competent to ensure the participation and commitment needed to produce positive outcomes. Services that do not acknowledge cultural differences are often intimidating and discouraging to families and communities. Intervention providers should develop an understanding of the social organization of the community, the prevailing belief system, the history of the group, and the ways members prefer to access services.²⁹

Any program that is implemented pursuant to this report should follow the preceding guidelines. Positive relationships are enhanced and services are improved when providers share an understanding of the social context in which families function. In addition, African-Americans should be encouraged to enter treatment and other service delivery professions. The shortest path to cultural sensitivity is through professionals that share the cultural experience of their clientele.

A long-term solution to the overrepresentation of African-Americans in prison depends upon the long-term commitment to strategies that are designed to support and promote the health of African-American communities. These strategies have been successful. However, many of them were conceived a generation ago, and have not been integrated into a cohesive contemporary strategy to address criminality. A changed political environment, managed health care initiatives, welfare reform, and “get tough” approaches to crime have worked against these strategies in recent years. Refocusing public policy on successful strategies for long-term results is the challenge. Fortunately, a growing body of research supports this approach.

JUSTICE COMMITTEE FINDINGS AND RECOMMENDATIONS

I. Introduction

The work of the Justice Committee lies at the core of the Task Force mission. When the Task Force began its work in the fall of 1999, African-Americans represented 24 percent of the Iowa prison population. Although this figure has declined slightly over the last two years, it continues to far exceed the incarceration statistics of all other demographic groups.³⁰

II. Factors That Contribute to High African-American Incarceration Rates

Sentencing Policy

Overall, the Task Force found that the Iowa criminal justice system applies sanctions that can be justified by individual case circumstances. Data indicates most persons sentenced to prison have had either a lengthy criminal record or were sentenced for a crime committed against a person. However, African-Americans are more likely than Caucasians to serve prison sentences for drug offenses, and crimes against persons, despite an otherwise clean adult record. One-quarter of the African-Americans committed to prison on drug charges have an otherwise clean adult record. The Task Force believes that this phenomenon requires a re-examination of the punitive nature and application of the state's sentencing policies.³¹

In 1996, 11 percent of Iowa's Caucasian inmates were sentenced on drug charges, while 23 percent of African-American inmates were sentenced to prison for drugs.

The recent decline in the proportion of African-Americans in prison is attributed to the increase in methamphetamine, a drug primarily used by Caucasians.³²

Recent changes in Iowa's sentencing laws have reduced judicial discretion in the form of longer sentences and more mandatory minimum sentences. A reduction in judicial discretion may be affecting the African-American prison population. However, the limited research that has been conducted is inconclusive.

Prison Discharges

African-Americans released through the auspices of the Parole Board tend to serve longer sentences than Caucasians. African-Americans and Caucasians tend to serve comparable prison sentences for violent felonies (mean of 66.9 months for African-Americans and 66.6 months for Caucasians). However, African-Americans tend to serve a 50 percent longer sentence than Caucasians for non-person offenses.³³ Prior criminal histories, consecutive sentences, and institutional misconduct may contribute to this disparity. However, a conclusive explanation cannot be provided without a closer review.

Racial Profiling

Speakers at each public hearing focused on racial profiling. Task Force members raised and discussed the issue at great length during deliberations. If the public comments received are any indication, minorities believe that racial profiling is practiced by law enforcement, even if it is not codified into written policy. Public safety officials argue just as vehemently that racial profiling is not part of their law enforcement strategy. Nationally, substantial research efforts have demonstrated that racial profiling is practiced by individual jurisdictions in every region of the country. The American Civil Liberties Union report, *Driving While Black*, provides a concise overview of the issue. The fact that this issue remains a divisive source for public comment is cause for considerable concern.

Racial profiling occurs when individuals are targeted for investigation based on race, national origin, or ethnicity.

Juvenile Justice

African-American juveniles are over-represented in detention facilities throughout Iowa. In a recent national study of juvenile incarceration rates, the state of Iowa ranked first among all states in the per capita detention rates of African-American juveniles. In Iowa, 23 percent of all juveniles held in detention facilities are African-American. In addition, African-American juveniles remain in detention for a longer period of time, and are more likely to be waived to adult court, than Caucasian juveniles (53 percent of juveniles waived to adult court in Iowa are African American).³⁴ While there is no evidence that anything other than fact-based decisions have driven juvenile placements (African-American juveniles in Iowa are more likely to be involved in violent crimes), the numbers and the future consequences are alarming, since juvenile criminality remains an important predictor of adult criminal behavior.

Additional Findings

In addition to the key findings listed above, the Task Force made the following findings:

- Less than 2 percent of the Iowa Department of Corrections budget is designated for addiction treatment even though studies show that most inmates experience problems with drugs and alcohol.
- African-Americans are under-represented in community-based corrections programs. When all offenders under correctional supervision were examined, 37 percent of African-American offenders were in prison and 63 percent were under community supervision. In contrast, 21 percent of Caucasian offenders were in prison and 79 percent were under community supervision.³⁵

- African-Americans are twice as likely as Caucasians to be incarcerated at the time of sentencing, which raises questions about access to bail and pre-trial release programming.
- Scott, Polk, and Black Hawk counties send the largest number of African-Americans to prison.
- Little appears to have been done to implement the recommendations made by prior Task Force reports to reduce the disproportionate impact of criminal justice system operations on African-Americans.
- Various criminal justice entities have experienced difficulty in recruiting and retaining African-American employees. African-Americans in Iowa make up the following percentages: 2.8 percent of all state employment; 11.1 percent of all community-based corrections positions; 0 percent of State Supreme Court justices; 0 percent of Court of Appeals judges; 2 percent of District Court judges; 14 percent of associate juvenile judges; 1 percent of part-time magistrates; 0 percent of county attorneys; 1 percent of assistant county attorneys; 5.1 percent of juvenile court officers; and 3 percent of public defenders.³⁶

III. Strategies to Reduce High African-American Incarceration Rates

The recommendations of the Task Force address the four principle issues identified above: sentencing policies; racial profiling; juvenile justice; and community corrections. Three of the recommendations were developed with the specific intention of reducing the disproportionate incarceration rate of African-Americans upon implementation. The fourth, racial-profiling, was addressed because it was a topic of great concern for many Task Force members. It was also a topic of great concern for African-Americans and other minorities throughout the state.

1. *The state should modify sentencing policies as they pertain to drug offenses and mandatory sentencing.*

The Task Force recommends that Iowa sentencing policies related to drug offenses and mandatory sentencing should be re-examined. Drug offenses are the most common crime among prison inmates, representing over 21 percent of all incarcerations. The restructuring of drug sentencing policies constitutes an important strategy for reducing the disproportionate incarceration rates of African-Americans. Drug charges are the lead offense for 23 percent of prison sentences that are being served by African-Americans compared to 11 percent of the prison sentences being served by Caucasian inmates. Furthermore, 82 percent of all prison admissions have substance abuse as part of their personal history.³⁷

Nationally, African-Americans represent 15 percent of drug users, 37 percent of drug arrests, 53 percent of drug convictions, and 56 percent of drug offenders sentenced to prison.³⁸

Criminal penalties for the possession of powder cocaine and crack cocaine provide a vivid example of disparity in current Iowa sentencing laws. Possession of up to 500 grams of powder cocaine constitutes a C-felony under Iowa law, punishable by up to 10-years in prison. Possession of 5 grams of crack cocaine constitutes the same level of offense, and is also punishable by up to 10 years in prison. The prevalence of crack cocaine among African-Americans and powder cocaine among Caucasians, is well-documented nationally, and can also be observed by studying Iowa prison admission statistics.

Many states, most notably California, have replaced the traditional incarceration strategy with a new treatment approach for drug offenders. Community drug treatment is less costly than incarceration and permits residents to receive treatment in a setting that is designed to facilitate their transition back into the community. Furthermore, drug offenders are often a low security risk in prison and can be managed in a community environment without endangering public safety.

Over the last 25 years, legislation has reduced the discretion exercised by Judges and the Parole Board. Mandatory sentences prevent the courts from tailoring punishments that fit individual circumstances and prevent the Parole Board from releasing offenders when they are in the best position to succeed as law-abiding citizens. The extent to which diminished discretion has impacted African-American prison numbers is unclear. However, current sentencing laws clearly limit the tools that are available to decision-makers as they consider drug offenders. In the words of the *Sentencing Project Report on Reducing Racial Disparity* in the Criminal Justice System, "It is neither desirable nor possible to eliminate discretion...what is needed is to use discretion affirmatively to reduce racial disparity."

2. *The state should devise a strategy to address racial profiling concerns.*

Racial profiling is a 'hot button' issue within the African-American community, and among other minorities. Law enforcement representatives do not believe that racial profiling occurs on a systematic basis. However, many African-Americans feel strongly that it does. While the discussion of racial profiling did not dominate either the Task Force meetings or the public hearings, it was a frequent topic throughout these discussions.

After thoughtful discussion, the Task Force voted to recommend that law enforcement in Iowa should track police-citizen contacts, specifically those that occur relative to traffic stops. Reliable data, rather than conjecture, should drive decision-making on this sensitive issue. The Task Force also recommends that racial data should be added to Iowa driver's licenses on a voluntary basis. This data should be electronically compiled to minimize the responsibility of line officers.

The Task Force also recommends that legislation should be passed to authorize the collection of data on racial profiling as it relates to traffic stops. Additionally, the Task Force recommends the formation of an advisory committee that can assist the

Criminal Juvenile Justice Planning Agency to determine the information that should be collected and the protocol that will be followed on data reporting.

3. *The state should systematize juvenile justice planning decisions.*

The Task Force notes that overrepresentation begins in the juvenile justice system and continues into the adult system. The Task Force recommends that an assessment of current procedures should be conducted by the Judicial Branch and the Department of Human Services to ensure that uniform, race-neutral criteria guides juvenile detention placement decisions. The Task Force further recommends that an examination of existing programs serving at-risk youth should be conducted to evaluate their effectiveness, particularly with African-American populations. In addition, the Task Force recommends that guidelines for culturally sensitive programs should be provided to communities with a focus on establishing alternatives to detention.

The Task Force is concerned about the quality of current data on the juvenile justice system. Studies on the racial impact of the entire continuum of juvenile services are several years old and should be updated. Furthermore, data that measures program effectiveness is not readily available. The Task Force suggests that the Criminal and Juvenile Justice Planning Agency, with the cooperation of the Judicial Branch and the Department of Human Services, should develop standard measures and benchmarks to assess program effectiveness and track future progress.

4. *The state should increase its investment in community based correctional programming for low risk offenders.*

It is clear that nearly one-half of the prison population in this state is composed of individuals who have violated their probation, parole, work release, or some other post-conviction program. It becomes increasingly important to develop programs, within the community-based corrections continuum, that are effective with African-Americans.

Unfortunately, existing programs haven't proven to be very effective with African-American offenders. Utilization of socially relevant and culturally sensitive programming tools, at the community-based corrections level, will help to improve the success of African-American participants and reduce the number of program failures that result in incarceration.

Based upon current capacity and demand figures, additional capacity is needed in community-based corrections. The availability of community based corrections beds creates an alternative to incarceration. Additionally, there is a long list of inmates approved for work release to the community who remain in prison because of a shortage of community-based facilities.

Lastly, the Task Force recommends that the site-based supervision model, pioneered in Cedar Rapids, should be evaluated to determine its applicability to other judicial districts. This program has had great success in Linn County in keeping individuals within the community while providing the correctional supervision that helps provide public safety.

CONCLUSION

This report outlines a number of initiatives that should be considered when grappling with the issue of disproportionate African-American incarceration rates in Iowa prisons. It should be noted that Task Force members are keenly aware of state budget difficulties that will limit the state's ability to fund new programs in the short term. The Task Force submits this report with the hope that long-term programs, which are designed to combat the "at-risk" factors that contribute to this problem, will not be unduly impacted. The residents and policy-makers of this state must recognize that the issues identified in this report grow deeper and become more costly each year that they are left unchecked. Youth who do not enjoy success in school, and those who struggle with unresolved health or social issues, often cost the state large sums for remedial or correctional services as they get older. And the state may never truly be able to calculate devastating impact that state incarceration rates have on broken homes and broken lives.

In addition to the suggested strategies listed above, the Task Force proposes several additional recommendations that should also be considered. First, a committee of state workers, headed by the Director for Commission on the Status of African-Americans, should conduct a thorough study of existing state initiatives designed to address the issues listed above, in order to determine whether state services can be delivered more effectively.

Second, a body designed to collect and interpret statistical data (i.e. Criminal and Juvenile Justice Planning) should be directed to collect data on an on-going basis to assess the factors identified by this Task Force, which contribute to the disproportionate incarceration rate of African-Americans in Iowa.

Third, the state should encourage African-American participation in the electoral process by conducting a thorough examination of state laws, policies, and processes that may have the effect of reducing African-American participation in the activities of state and local institutions. Any such review should include the office of the Secretary of State.

Fourth, the state should encourage the development of formal mechanisms that increase African-American involvement in the policy-making activities of the following entities: Department of Corrections (including judicial district operations); Department of Human Services; Department of Education; Department of Public Health; Department of Workforce Development (including the operation of local offices); judicial branch activities (particularly the juvenile court operations); county attorneys; police departments; and local school districts.

Fifth, the state should examine the funding streams that support the activities of not-for-profit institutions, to determine whether block grants would improve service delivery to clients.

Lastly, the state must modify the way it professes individual accountability. African-American families bear an undeniable responsibility to teach the lessons of individual responsibility and accountability to youth. However, the state must take steps to bridge the chasm between African-American communities and state institutions if the messages from those institutions, promoting individual accountability, are going to be well-received, and facilitate positive change.

END NOTES

1. Equality in the Courts Task Force Final Report, Executive Summary, p 3.
2. Iowa Criminal Juvenile Justice Planning statistical data, 1999.
3. Id.
4. National Assessment for Educational Progress statistical data, 1999.
5. Iowa Criminal Juvenile Justice Planning statistical data, 1999.
6. See Strategies to Help Solve Our School Dropout Problem, Franklin P. Schargel and Jay Smink, 2001.
7. Iowa Criminal Juvenile Justice Planning statistical data, 1999.
8. National Assessment for Educational Progress statistical data, 1998.
9. Id.
10. Iowa Workforce Development statistical data, 2001.
11. Iowa Department of Education statistical data, 2000.
12. Ed Watch Online, State Summary of Iowa, 2001.
13. Id.
14. Iowa Department of Education statistical data, 2000.
15. Ed Watch Online, State Summary of Iowa, 2001.
16. Katz, Lilian G. (1997, Fall).
17. Iowa Department of Education statistical data, 1998.
18. The Sacramento Bee article, February 21, 1999.
19. Steve Aos, Polly Phipps, Robert Barnoski, Roxanne Lieb; *The Comparative Costs and Benefits of Programs to Reduce Crime*; Washington State Institute for Public Policy (May, 2001).
20. Id.
21. Bureau of Labor Statistics statistical data, 2000.

22. Iowa Department of Workforce Development statistical data, 2000.
23. Id.
24. Iowa Criminal Juvenile Justice Planning statistical data, 2000.
25. U.S. Department of Civil Rights statistical data, 1999.
26. Iowa Civil Rights Commission Annual Report, 1999.
27. Iowa Department of Public Health statistical data, 2000.
28. K. Johnson, D. Bryant, T. Noe, T. Strader, and Michael Bernbaum; *Preventing and reducing alcohol and other drug use among high risk youths by increasing family reliance*; *Social Work* 43, pp. 297-307.
29. S. Epps and B. Jackson; *Empowered families, successful children*; APA, Washington, D.C., (2000).
30. Iowa Department of Corrections, E-1 reports.
31. Further discussion of Prisoner and Probationer Samples drawn for the Iowa Sentencing Commission, Criminal and Juvenile Justice Planning, 1999.
32. Adult Corrections Information System data, compiled by Criminal and Juvenile Justice Planning, 1996.
33. Iowa Parole Board, statistical data, 2000.
34. A description and discussion of Minority Overrepresentation in Iowa's Juvenile Justice system, Criminal and Juvenile Justice Planning, 1993.
35. Adult Corrections Information System data, compiled by Criminal and Juvenile Justice Planning, 1996.
36. State of Iowa, EEO reports.
37. Adult Corrections Information System, data compiled by Criminal and Juvenile Justice Planning.
38. Reducing Racial Disparity in the Criminal Justice System, The Sentencing Project, 2000.

