

PUBLIC SAFETY ADVISORY BOARD

Final Report: Outcomes of Mandatory Minimum Sentences for Drug Traffickers

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Executive Summary

A mandatory minimum sentence requires that offenders serve a certain portion of their sentence in confinement, without the possibility of parole, until they have served the required portion of time. Mandatory minimum sentencing became popular in the 1980s and 1990s as a proposed way to control crime and create equity in sentencing. However, a growing body of research indicates that mandatory sentencing is ineffective and has not reduced recidivism rates or gender, age, and race disparities. In addition, exceptions in the law allow for reductions in mandatory sentencing if offenders provide helpful information to authorities, typically benefiting high risk offenders and resulting in a higher incarceration of low risk offenders.

This study was undertaken to assess the effectiveness of mandatory minimum sentences for drug traffickers. In Iowa, the drug offender mandatory minimum is required by Code of Iowa §124.413 and requires offenders to serve at least one-third of the maximum sentence of their offense class. Code of Iowa §901.10 allows for reductions in the mandatory minimum sentence.

The cohort studied here included drug traffickers who entered prison as new admissions or probation violators and who were released from prison or work release in FY2007. Those who served mandatory sentences were compared to those whose mandatory sentences were waived (eligible but not serving a mandatory sentence). The total in the study cohort was 625. The outcome of interest in the study was recidivism, defined as a return-to-prison within three years. Outcomes for all cohort members were examined excluding foreign born offenders who may not have had an opportunity to recidivate due to deportation or federal incarceration. The major findings are summarized below. Detailed data and other findings are provided in the outcomes section.

Primary Findings

- 1) Those serving mandatory sentences had higher recidivism rates than offenders who were waived.
- 2) Offenders who were released within six months of reaching their parole eligibility date had lower recidivism rates than those who were paroled later than six months.
- 3) Among those who served mandatory sentences, B felons had lower recidivism rates than C felons.
- 4) Risk scores around the time of prison entrance appear to be a factor in explaining the differential prison returns rates between those with mandatory sentences and those who were waived.

Characteristics of Those Serving the Mandatory Sentence

- Sixty-two percent of drug traffickers in the cohort served mandatory sentences.
- The typical drug trafficker serving a mandatory sentence was a white male who was 30.7 years old at prison entrance and was convicted of a C felony involving methamphetamines. Within this cohort, there were differences among the groups examined. Compared to those waived, for example, offenders who served mandatory sentences were more likely to be older, white, and convicted of a B felony or felony enhancement involving methamphetamines.
- Whites represented a higher percent of offenders serving the mandatory minimum than those waived (75% vs. 53%). African Americans and Hispanics were over-represented among those waived (for African Americans, 23% vs. 15%; for Hispanics, 20% vs. 9%). This may be due to the type of drug involved. Iowa's mandatory sentence is more severe for methamphetamine convictions, a predominantly "white"

drug. Cocaine offenders were predominantly African-American, while methamphetamine offenders were predominantly white and Hispanic.

- The majority (70%) of those serving mandatory sentences exited soon after their minimum parole date, suggesting that some would have been paroled sooner in the absence of the mandatory minimum.
- Nearly all B felons (97%) and most C felons (74%) served mandatory sentences. D felons are statutorily ineligible for mandatory terms. In terms of the type of drug of conviction, 88% of cocaine traffickers and 61% of methamphetamine traffickers were C felons. Nearly all marijuana traffickers were D felons (95%) and thus were ineligible to receive mandatory sentences.
- When examining judicial districts, there does *not* appear to be a relationship between the percentage of offenders who served mandatory sentences and recidivism. However, some judicial districts are more likely to waive the mandatory sentence for eligible drug traffickers. Drug traffickers convicted in Districts 3 and 7 were least likely to serve mandatory sentences and were most likely to be waived. In District 3, this could be attributed to having lower risk offenders, as, based upon the LSI-R, the district had among the highest percentage of low or low/moderate risk offenders. District 7 had the highest percentage of offenders whose level of risk was not assessed at prison entrance. The same district also showed the highest minority representation.

Recidivism

- Recidivism was defined as any return to prison within three years of offenders' release from prison or work release.
- Regardless of having served a mandatory sentence, the majority of offenders had a low to moderate risk of offending at release from incarceration and did not return to prison within three years of release.
- Mandatory minimum sentences did not appear to deter future criminal activity, as return-to-prison rates were slightly higher for those who received mandatory minimum terms than for those who were eligible for such terms but whose terms were waived (33% vs. 28%). On a positive note, those serving the mandatory sentence committed less serious new offenses. It is difficult to know whether the differences in comparison groups are due to the mandatory minimum sentence or to post-release factors that may have affected the likelihood of recidivism.
- Class B felons who served the mandatory sentence had lower recidivism rates than C felons who served it (24% vs. 37%). This may be attributed to B felons' having lower risk levels at release from incarceration.
- Cocaine offenders had a higher overall return-to-prison rates and more returns on new convictions than methamphetamine offenders (overall, 45% vs. 30%; for new convictions, 22% vs. 15%).
- In terms of reducing recidivism, mandatory sentences were ineffective for both cocaine and methamphetamine offenders, but particularly for cocaine offenders. The differential in recidivism rates between those serving mandatory terms vs. those whose terms were waived was greater for cocaine traffickers (50% vs. 35%). There was less difference in return-to-prison rates for methamphetamine traffickers (31% vs. 26%).
- African-Americans overall and in each drug category were more likely than Hispanics and Caucasians to return to prison (although they were also more likely to return on technical violations rather than new convictions).

Level of Risk from the Level of Service Inventory Revised (LSI-R)

- Mandatory sentencing may have an effect on reducing offenders' LSI-R risk scores. Those whose LSI-R scores improved during incarceration tended to serve more time in prison than those whose scores either remained unchanged or worsened. Furthermore, those whose risk scores worsened over the course of prison had higher returns-to-prison rates than those whose risk improved (30% vs. 20%).
- LSI-R risk assessment scores submitted within 180 days before or after **prison entrance** appear to be an adequate indicator of a criminal history. They are also good at predicting returns-to-prison for drug traffickers in the cohort and are associated with returns-to-prison for each drug type. This suggests that the availability of LSI-R scores at sentencing can reduce the need for mandatory minimum sentences, as judges can use these scores in the determination of whether offenders should be sentenced to prison.
- LSI-Risk assessment scores submitted within 180 days before or after **release** from incarceration are associated with the likelihood of returning to prison for drug traffickers in the cohort, for each drug type, and for the timing of being granted parole among those who served mandatory sentences (within six months of parole eligibility or later than six months). This suggests that the Board of Parole could use updated LSI-R assessments in determining the timing of discretionary release opportunities.
- Both cocaine and methamphetamine offenders who served mandatory sentences had higher median LSI-R scores at prison entrance than comparable drug offenders who were waived.
- Cocaine offenders had slightly higher LSI-R risk assessment scores than methamphetamine offenders at prison entrance (36 vs. 32) and release (29 vs. 26). Methamphetamine offenders tended to be more likely to have prior criminal histories, but cocaine offenders who had criminal histories generally had more convictions, particularly violent convictions.

Costs

- There is a large cost associated with mandatory sentences. After considering differences in the average length of stay (LOS) for those with and without mandatory minimums, eliminating the mandatory sentence for all offenders in the cohort would have saved an estimated \$1,449,703.80 overall, \$359,948.16 for B felons, and \$573,903.36 for C felons.

Cost Savings	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Drug Traffickers (overall)	9.5	285	388	\$13.11	\$5,086.68	\$1,449,703.80
B Felons	8.8	264	104	\$13.11	\$1,363.44	\$359,948.16
C Felons	5.7	171	256	\$13.11	\$3,356.16	\$573,903.36

- If mandatory sentences were eliminated only for low or low/moderate risk offenders in the cohort, it would have resulted in cost savings without increasing recidivism. Low or low/moderate risk offenders who served mandatory sentences accounted for 18% of the total cost savings of assessed prisoners in the cohort. Maintaining the current mandatory sentencing policy for moderate and moderate/high or high risk offenders would not reduce recidivism (those who served mandatory terms had higher return-

to-prison rates than those who were waived), however, it would incapacitate those offenders most likely to return to prison for a longer time period.

Conclusions

1. Serving a longer prison time can potentially reduce offenders' LSI-R risk scores.
2. Mandatory minimum sentences for drug traffickers do not appear to reduce recidivism; however, they may keep more serious offenders in prison longer, postponing the opportunity to reoffend.
3. Offender risk should be considered when making sentencing decisions involving mandatory sentences. Providing offenders' levels of risk at sentencing can help determine whether offenders should be sentenced to a mandatory term.
4. Eliminating mandatory sentences for low/low moderate risk offenders would result in cost savings without changing return-to-prison rates.
5. LSI-R risk assessment scores at entrance and particularly at release appear to better predict recidivism than length of stay in prison or the type of drug an offender was convicted of trafficking.

Additional Considerations when Interpreting Findings

This study did not use random assignment to establish comparison groups. Therefore, inherent differences in the comparison groups may contribute to the differential return-to-prison rates observed among offenders who served mandatory sentences vs. those who were waived; among those who were released within six months after reaching parole eligibility vs. those released after six months; and among B felons and C felons. Factors that make the groups different may contribute to offenders' outcomes in sentencing decisions and parole considerations and may ultimately affect recidivism rates. For example, having a previous criminal history may increase the likelihood that an offender receives a mandatory sentence or is denied parole. The study's analysis of LSI-R risk assessments, which takes into consideration previous criminal history, suggests that this may have occurred. In turn, having a criminal history may affect recidivism rates, as offenders who have extended criminal histories are more likely to have established a reoccurring pattern of criminality. Offenders' conduct in prison is another factor not examined in this study which could affect both the timing of release and the likelihood of recidivism.

Post-release factors not included in this study may also contribute to the differential recidivism rates among the comparison groups. After release from prison, offenders may have very different life experiences. Employment, establishing positive relationships that do not involve drugs, and receiving drug treatment are among the factors that may reduce the likelihood of recidivism and were not included in the study.

The study defined recidivism as a return to prison within three years of release. Using an alternative definition of recidivism, such as all new convictions, would have yielded different results. For example, offenders who were waived and did not serve mandatory sentences may simply be *less* likely to return to prison due to factors not included here. In reoffending, they may also have committed less serious offenses that resulted in sentences of probation rather than prison. Nevertheless, the return-to-prison measure is of particular interest in this study because prison is a more costly option than other types of placements that don't consume prison space and resources.

Finally, the examination of LSI-R scores was a primary area of interest in the study. However, the levels of risk for 33% of the drug traffickers were not assessed within 180 days of their entrance to prison. Those who

were waived were slightly more likely to have risk assessments at prison entrance than those who served mandatory sentences. On the other hand, those who served the mandatory minimum were more likely to have risk assessments at release from incarceration than those who were waived.

Literature Review

Mandatory minimum sentencing (MMS) laws became popular among state and federal governments in the 1980s and 1990s as part of the punitive “war on drugs” effort. MMS requires offenders to serve pre-determined sentences, depending on considerations such as the type and amount of drug and the offender’s number of prior convictions. In establishing MMS, the intent was to create equity in sentencing and reduce geographic and judicial variations by creating a more uniform system, reducing and deterring crime by sending the message to the public that drug use would be punished. However, many advocacy organizations (e.g., Families against Mandatory Minimums and Drug Policy Alliance), legal practitioners, and researchers argue that the laws have resulted in unintended negative consequences. Law reviews, political essays, and opinion papers are prevalent in the literature, but fewer empirical studies can be found, and among those, none show direct benefits of MMS. Most of the studies found on sentencing reform and MMS have been conducted by the Vera Institute of Justice, Rand Corporation, and the Sentencing Project.

Research suggests that MMS has not created equity in sentencing, but has simply shifted discretion from neutral judges to prosecutors, who determine the appropriate charges to file based on various legal and personal factors (Mascharka; Ulmer, Kurlychek, & Kramer 2007). Determinate sentencing has not reduced the gender, age, and race disparities in the criminal justice system (Schlesinger 2011; for review see Brennan & Spohn 2008). Other factors, such as a state’s specific sentencing reforms (Engen 2009), existing minority disadvantage, and the interaction of personal variables (such as being minority, unemployed, male, and youthful) can account for these disparities (Wooldredge 2009). Furthermore, sentences are reduced for offenders who can provide information that is helpful to authorities, typically benefiting high-level drug offenders and disadvantaging low-level offenders, who are overrepresented in the prison system (DPA 2010, Mascharka).

State governments are reexamining and reducing MMS laws in hopes of cutting the costs associated with incarceration. Although incarceration rates are due to many factors, MMS contributes to prison populations; there are more inmates in states that have higher minimum sentences, more sentencing extensions for drug offenses, and more mandatory terms (Woolredge 1996; Stemen, Rengifo, & Wilson 2005). Among the states that have relaxed laws are Michigan, New York, and California (states that have had some of the harshest mandatory sentencing laws), Delaware, Connecticut, Louisiana, Mississippi, North Dakota, New Mexico, Maine, New Jersey, Minnesota, Rhode Island, and Indiana (Mascharka, Austin 2010).

The trend over the past decade has been a move toward a correctional philosophy of rehabilitation rather than incapacitation (Austin 2010). Studies suggest that incarceration is not always the best strategy. Punitive sentencing either has not decreased the crime rate or has only decreased it up to a certain point (for review see Brennan & Spohn 2008); incarcerating drug offenders, particularly those at low-risk for re-offense, is more costly and is less likely to reduce recidivism than rehabilitation (Caulkins, Rydell, Schwabe, & Chiesa 1997; Aos, Miller, & Drake 2006); prison has not been shown to directly reduce recidivism (Gendreau & Goggin 2005); and certainty of punishment has been found to be a better deterrent of crime than severity (Wright). A direct relationship between sentencing and offender outcomes is difficult to establish, as sentencing is only one aspect of the criminal justice system. The effect of different types of sentencing (determinate and indeterminate) on recidivism varies among states, and depends on states’ specific sentencing schemes and post-release programs (Zhang, Zhang & Vaughn 2009).

Particular attention has been given to MMS's differential punishments for crack and powder cocaine. Federal law as well as Iowa law had the highest disparity (1:100 ratio), with a small amount of crack triggering the same sentence as 100 times the amount of powder cocaine. As of 2003, 14 states had laws treating crack/cocaine amounts differently (Norman-Eady 2003). Congress reduced the federal crack/cocaine ratio to 1:18 in late 2010. No sound basis has been provided for creating the disparity, as both crack and powder cocaine are recognized as very addictive, and any differences in the effects are due to how the drugs are administered (Volkow 2009). Also, after controlling for other variables, crack is not associated with more violent behavior than powder cocaine (Vaughn 2010). In a survey of district court judges, 76% responded that MMS for crack was too high and only 44% reported that powder cocaine was too high (U.S. Sentencing 2010). This disparity has contributed to a disproportionate amount of minorities being convicted and incarcerated. Crack is perceived as a "minority" drug, and African Americans represent the majority of crack convictions (Mascharka, Acosta 2010). In Iowa, 83% of the prison admissions for crack in FY 2010 were African-American.

Mandatory Minimum Drug Sentencing in Iowa

The ultimate goal of sentencing is to both protect public safety and rehabilitate the offender. In meeting this goal, Iowa judges have some discretion in how they sentence offenders and can consider factors such as the nature of the offense and surrounding circumstances and the offenders' criminal record, character, age, and employment (McEniry 2009).

Under Iowa law, offenders convicted of certain drug trafficking offenses may be given a mandatory minimum sentence. A mandatory minimum sentence requires that offenders serve a certain portion of their sentence in confinement, without the possibility of parole until they have served the required portion of time. The drug offender mandatory minimum is required by Code of Iowa § 124.413 and applies to drug traffickers convicted of a crime under Iowa Code § 124.401 *a, b, c, e, or f* by requiring that they serve at least one-third of the maximum sentence of their offense class. Generally, the mandatory minimum sentence does not apply to drug possessors, D felon traffickers, or those trafficking marijuana, and is not issued to drug traffickers initially sentenced to community supervision, such as probation. Appendix A lists the Iowa Code offenses where the drug mandatory minimum sentence (§124.413) may apply. Appendix B provides the convicting codes for offenders in the cohort who were statutorily ineligible to receive the mandatory sentence.

Offenders who are subject to the mandatory minimum may or may not actually serve it. Iowa Code §901.10 allows for reductions in the mandatory sentence. The court can also reduce minimum sentences for offenders with the §124.413 mandatory minimum if mitigating circumstances exist. For those serving the §124.413 mandatory for trafficking methamphetamine or amphetamine (under Iowa Code §124.401 *1a or b*), the mandatory minimum is reduced by up to one-third if the defendant pleads guilty. If the defendant cooperates in prosecution of others, the defendant may receive a reduction of up to one-half of the remaining mandatory minimum.

Sentence enhancements are increased penalties in addition to the original sentence that are issued when certain circumstances surrounding the offense were present, such as when an offender possessed a firearm or an offensive weapon during the crime, when distribution occurred on school or public property, and for habitual offenders and distributing to minors. Depending on the type of enhancement, offenders may be sentenced to a maximum sentence of an additional five years in confinement, or the sentence may be two or three times their convicting offense class. Because offenders convicted with sentence enhancements can also receive the drug mandatory minimum, they were included in this study, and differences in their maximum sentences, which can affect their length of stay in prison, are noted where necessary.

Purpose of Study

In Iowa, the mandatory minimum sentence is a sentencing option for a number of crimes, including certain violent offenses, drug trafficking, and as penalty enhancements. The mandatory sentence for drug offenders is a sentence that particularly warrants attention. “Drug admissions have been one of the driving forces behind rising prison populations in Iowa for more than the past decade” and is projected to grow in the future (Stageberg, Roeder-Grubb, Adkins, 2010). In 2005 and 2006, when many of the offenders in this study’s cohort were entering prison, around 25% of prisoners were serving time for drug offenses (second only to violent offenses). In addition, the majority of drug traffickers are serving the drug mandatory minimum sentence (a finding of this study). Despite the prevalence of mandatory minimum sentences, previous research has questioned the effectiveness of incarceration, especially when drug offenders can be served by alternative methods such as community-based rehabilitation, and drug traffickers may not deal drugs if legal employment options were available. Also, research has suggested that mandatory minimums contribute to disproportionate incarceration of certain types of offenders (e.g., minorities and low-risk offenders).

The purpose of the present study is to:

- Identify whether or not the mandatory minimum ensures equity in sentencing by comparing the characteristics (age, race/ethnicity, and sex) of those serving and not serving it.
- Determine who is affected by mandatory sentences and the potential effects on public safety if mandatory sentences were eliminated for these offenders by:
 - Identifying how many offenders may be eligible for parole earlier if the mandatory minimum was not in place
 - Comparing the characteristics and recidivism rates of those who are and those who are not granted parole soon after expiration of the minimum parole date (MPD)
- Examine whether or not mandatory minimum sentencing is effective and fulfills the intended purpose of keeping the public safe by ensuring incarceration of offenders who may be dangerous by:
 - Comparing recidivism rates among those who did and did not serve the mandatory sentence;
 - Determining whether dangerous offenders who need incarceration, such as those at a high risk of reoffending, are serving the mandatory;
- Determine how much longer offenders who have the mandatory are serving in prison, along with the costs associated with the longer incarceration.

Terminology & Measurement

Recidivism

For the purposes of this study, *recidivism* is defined as an offender's first return to prison for any reason, including technical violations of parole or a new conviction. For offenders who were convicted on multiple new charges that led to a prison return, only the most serious new conviction was examined. Other measures have been used in criminal justice research to measure recidivism (e.g., new arrests, any new convictions, etc.), however, the return-to-prison measure is of particular interest in this study because prison is a more costly option than other types of placements that don't consume prison space and resources. It is noted, however, that using this criterion does not measure all new offenses, and may particularly underestimate less serious new convictions that do not carry prison time.

In this study, recidivism tracking began at the time of an offender's exit from a correctional facility, at entry into the community. The cohort was tracked for three years following release from work release or prison (FY2007-2010). New offenses usually occur within the first three years, and a three-year follow-up is recognized as ample time to give parolees (who are closely monitored and thus have higher returns-to-prison) and discharges equal time to reoffend.

Level of Risk

The LSI-R (Level of Service Inventory-Revised) is a measure that examines various life and criminality factors associated with offenders' level of risk, such as criminal history, education, employment, finances, family, living situation, recreation, social situation, drug problems, and attitudes. Lower LSI-R scores are presumably associated with lower risks of reoffending.

Only LSI-R scores that were submitted within 180 days were included in this study because they indicate the level of risk close to the time offenders were entering prison or returning to the community after serving a sentence. If offenders had multiple LSI-R scores within 180 days before or after, the earliest score was used. Level of risk was indicated using the Iowa Department of Corrections' categorization of LSI-R scores: low risk (score 0-13), low/moderate risk (score 14-23), moderate risk (24-33), moderate/high risk (34-40), high risk (41+). For the purpose of analysis, risk scores were collapsed into the following categories: low or low/moderate (0-23), moderate (24-33), and moderate/high or high (34+).

It should be noted that the LSI-R scores were based on the date the score was submitted, not the date the person was assessed, as assessment dates were not available in the dataset. However, due to the fact that most scores occurred close enough to the time of prison exit to be indicator of criminal risk at release [75% of the LSI-R scores were submitted *before* the prison release, and of the scores submitted *after* prison release, 25% occurred within the first month], and concern about reducing already small sample sizes by restricting the timeframe, these scores were used in the report.

The data support that LSI-R risk assessments submitted within 180 days before or after offenders' prison entrance are relatively accurate at predicting criminal history. LSI-R risk assessment scores and Iowa criminal history data were examined. A random sample of 52 offenders (approximately 15% of the total) was drawn from the cohort of methamphetamine and cocaine offenders convicted of B and C felonies who were U.S. citizens. Using the computerized criminal history (CCH) database, each offender's Iowa criminal history was

obtained from the Iowa Department of Public Safety. For the purposes of this study, criminal history was defined as the offenders' Iowa felony and misdemeanor convictions that were disposed prior to the date of their drug trafficking conviction. In addition, the type of offense was examined. Of the 52 offenders in this sample, only 36 had risk assessment scores near the time of their prison entrance. To increase the number of low and low/moderate risk offenders in the sample, five offenders in the original cohort were added to increase the reliability of findings for this group, for a total sample size of 41 offenders.

In the small sample examined here, offenders with low or low/moderate risk scores were less likely to have previous Iowa felony convictions and misdemeanor convictions. When examining the type of offense, low or low/moderate risk offenders were also less likely to have drug, public order, and property convictions than moderate/high or high risk offenders.

Percent of Offenders with Iowa Criminal History Convictions				
	Low/ LowModerate (0-23) (n=10 offenders)	Moderate (24-33) (n=14 offenders)	ModerateHigh/ High (34+) (n=17 offenders)	Sample Total (n=41 offenders)
<i>Conviction Type</i>				
Felony	30% (n=3)	14% (n=2)	41% (n=7)	29% (n=12)
Misdemeanor	40% (n=4)	79% (n=11)	71% (n=12)	66% (n=27)
<i>Offense Type</i>				
Violent	11% (n=1)	21% (n=3)	59% (n=10)	34% (n=14)
Drug	30% (n=3)	50% (n=7)	65% (n=11)	51% (n=21)
Public Order	20% (n=2)	64% (n=9)	35% (n=6)	41% (n=17)
Property	20% (n=2)	21% (n=3)	35% (n=6)	27% (n=11)

Please note the small sample sizes. Offenders may be counted more than once, as convictions were counted separately for each category.

In addition, low and low/moderate risk offenders had a lower average number of Iowa felony convictions, misdemeanor convictions, and violent, drug, public order, and property convictions than moderate/high and high risk offenders. Pearson correlations were calculated to determine the relationships between the LSI-R scores and the number of criminal history convictions by conviction type and offense type. All the correlations were relatively weak and insignificant except for a moderately strong, significant positive relationship between the number of violent convictions and risk scores ($r=0.33$; $p=0.03$). This suggests that LSI-R is particularly an indicator of having a previous violent conviction.

Length of Stay (LOS)

Length of stay in prison is the length of time between prison start date and prison exit date. Because the dataset did not include the initial prison dates for work releases (only the dates for which they were in work release), only the 474 prisoners in the cohort were included in calculations of length of stay (LOS).

Time to Serve after the Minimum Parole Date (MPD)

Time left to serve after the minimum parole date (MPD) is the length of time between the date when the mandatory minimum sentence expired (when offenders became eligible for parole) and the prison exit date (when the offenders were actually granted release). The MPD must expire before work release begins, and therefore, time left to serve for work releases was calculated as the length of time between the MPD expiration

and the work release start date. Those who exited less than six months after the MPD expired were compared with those who exited at the six month mark or after.

Time left to Serve on Sentence

Time left to serve on sentence is the length of time between the release from prison or work release and the tentative discharge date (when offenders' sentences expired).

Time to Recidivate

Time to Recidivate is the length of time in months between the prison or work release exit date and the offense date of the offender's first recidivist event that led to a new conviction and return to prison.

Time to Return to Prison

Time to Return to Prison is the length of time between the prison or work release exit date and the prison start date of the offender's first return to prison for a new conviction.

Drug Type

Drug type was indicated by the convicting code of the offender's most serious conviction. This information is incomplete because a number of Iowa Codes do not specify the drug type (i.e. enhancements and prohibited act codes). An effort was made to identify the drug involved during the offense using presentence and reception reports. Some individuals had been convicted for multiple drugs on multiple convictions and it was unclear in the reports what the drug was for the specific code listed in the dataset. For cocaine offenses, presentence reports and reception reports were used to identify whether offenses involved crack or powder cocaine, but this information was not always available.

Methodology & Cohort

Data were collected from Iowa Corrections Offender Network (ICON), using the Iowa Justice Data Warehouse. The study cohort included all offenders with drug trafficking as their *most serious* offense who were released from prison or work release during FY2007 (July 1, 2006 through June 30, 2007). Eleven drug traffickers who were serving a mandatory term other than §124.413 were excluded. This decision was made because having a mandatory penalty other than §124.413 could differentially affect the length of time that offenders serve. In addition, even though these eleven offenders were eligible to receive the §124.413 mandatory, having served some type of other mandatory sentence makes them fundamentally different from others who were eligible but absolutely did not receive any type of mandatory. The cohort included a total of 625 offenders, of whom 76% were prisoners and 24% were work releases.

Only offenders who were serving their initial stays as new commitments or probation violators at their start in prison were included in the cohort. The majority (60%) of prisoners and work releases were new commitments at prison admission. Offenders on work release were only included in the cohort if they served their initial stay and went directly from prison to work release. These decisions were made in order to ensure that recidivism (the return-to-prison rate) would be measured starting at the release date for prisoners and work releases, while ensuring LOS comparisons would be accurate, and to make correct calculations of time to exit after the minimum parole date (MPD) for work releases.

The cohort included B felons (representing 17% of the cohort), C felons (55%), and D felons (22%). Thirty-four (approximately 5%) of the offenders in the cohort were serving enhanced sentences: 23 served enhancements for prior drug offenses (§124.411), five for carrying firearms while trafficking (§124.401 1E), two for distributing on public property (§124.401A), two for manufacturing methamphetamine in the presence of minors (§124.401C), and two for prior class C or D felony convictions (§902.8). At their exit, the majority of the offenders were beginning parole and a small number were discharged at the end of their sentences.

Three comparison groups were of interest in this study:

- Drug mandatory served: 62% of drug traffickers (n=388) received the drug offender mandatory minimum sentence under Iowa Code §124.413.
- Ineligible: 22% (n=139) or all D felons were ineligible to receive a mandatory sentence.
- Waived: 16% (n=98) were eligible, but did not receive a mandatory sentence.

Characteristics & Demographics

Comparison of Offenders who Served Mandatory Sentences and Waivers

Gender

The majority (85%) of all drug traffickers released from prison and work release in FY2007 were males and 15% were females. Of those serving the mandatory minimum, 17% were females and 83% were males. The same percentages of females and males were observed among those waived.

Race and Ethnicity

Seventy-one percent of all drug traffickers were white, 17% were African American, and 11% were Hispanic. About 2% were Native American or Asian/Pacific Islander. Whites represented a higher percent of offenders serving the mandatory minimum than those who were waived (75% vs. 53%). African Americans and Hispanics represented a higher percent of waived offenders than those serving the mandatory sentence (for African Americans, 24% vs. 15%; for Hispanics, 20% vs. 9%).

Mandatory Minimum Status by Race & Ethnicity								
	Mandatory Served		Ineligible		Waived		Total	
African American	57	14.7%	26	18.7%	23	23.5%	106	17.0%
Hispanic	33	8.5%	13	9.4%	20	20.4%	66	10.6%
White	291	75.0%	98	70.5%	52	53.1%	441	70.6%
American Indian or Alaska Native	3	0.8%	2	1.4%	1	1.0%	6	1.0%
Asian/Pacific Islander	3	0.8%			2	2.0%	5	0.8%
Missing	1	0.3%					1	0.2%
Total	388	100%	139	100%	98	100%	625	100%

Age at Prison Entrance

The median age of drug traffickers was 30.7 years. Many drug traffickers were in their 20's when they entered prison. Twenty-six percent were in their early 20's (ages 21-25), while 17% were in their late 20's (ages 26-30). There was a smaller percentage of offenders entering prison in their 30's (ages 31-35 and ages 36-40, a combined percent of 29%), and even fewer entering in their 40's (only 16% were ages 41-50). The youngest and oldest age categories had the lowest percentages.

Offenders who served mandatory sentences were older than those waived (a median age of 33.2 years compared to 27.4 years).

Mandatory Minimum Status by Age at Prison Entrance								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	33.2		27.2		27.4		30.7	
17 and under					2	2.6%	2	0.4%
18-20	16	5.5%	11	10.5%	9	11.7%	36	7.6%
21-25	66	22.6%	34	32.4%	24	31.2%	124	26.2%
26-30	46	15.8%	23	21.9%	10	13.0%	79	16.7%
31-35	46	15.8%	12	11.4%	12	15.6%	70	14.8%
36-40	50	17.1%	12	11.4%	5	6.5%	67	14.1%
41-50	55	18.8%	10	9.5%	11	14.3%	76	16.0%
51-60	12	4.1%	2	1.9%	3	3.9%	17	3.6%
61-70	1	0.3%	1	1.0%	1	1.3%	3	0.6%
Total	292	100%	105	100%	77	100%	474	100%

Only prisoners were included in age at start analysis because initial prison start dates for work releases were not available in the dataset.

Age at Release

The cohort of drug traffickers aged in prison and work release. At release, the median age for drug traffickers was 32.5 (vs. 30.7 at entrance) and there were larger percentages of drug traffickers at older age categories. Twenty percent of drug traffickers were in their early 20's (ages 21-25) and 22% were in their late 20's (ages 26-30). Thirty percent were in their 30's (ages 31-35 and ages 36-40), and 19% were in their 40's (ages 41-50).

The median age at release for those who served the mandatory sentence was 34.7, compared to 29.3 for those who were waived.

Type of Drug

The majority (63%) of drug traffickers' most serious convictions involved methamphetamine. Cocaine and marijuana each comprised 15% of the convictions. Information about the type of drug involved was unavailable for 39 offenders. The form of cocaine was unknown for 38 cocaine offenders. Where information on the form of cocaine was present, there were more crack than powder cocaine convictions.

Methamphetamine was the most common drug of conviction among those serving the mandatory minimum, with three-fourths of those serving mandatory minimums convicted for methamphetamine offenses. Among those waived, methamphetamine offenders represented fifty-five percent. Cocaine was the second most common drug involved among both those serving the mandatory and those waived. Thirty-three percent of those waived had a cocaine-related conviction, and cocaine represented 16% of the offenses for those serving the mandatory.

Mandatory Minimum Status by Drug Type								
	Mandatory Served		Ineligible		Waived		Total	
Cocaine Total	62	16.0%			32	32.7%	94	15.0%
<i>Unspecified</i>	21	33.9%			17	53.1%	38	40.4%
<i>Crack Cocaine</i>	38	61.3%			15	46.9%	53	56.4%
<i>Powder Cocaine</i>	3	4.8%					3	3.2%
Marijuana	1	0.3%	90	64.7%	4	4.1%	95	15.2%
Meth	289	74.5%	48	34.5%	54	55.1%	391	62.6%
Other	4	1.0%			2	2.0%	6	1.0%
Missing	32	8.3%	1	0.7%	6	6.1%	39	6.2%
Total	388	100%	139	100%	98	100%	625	100%

Note: "Meth" includes methamphetamines and meth ingredients (amphetamine, anhydrous ammonia, ephedrine, ethyl ether, lithium, pseudoephedrine, red phosphorous). "Other" includes prescription drugs and heroin. Information about the form of cocaine involved was not always reported in offense accounts (in the table, these are reported as "unspecified")

African American offenders committed the majority (68%) of offenses involving cocaine, whereas white offenders committed the majority of offenses involving marijuana (54%) and methamphetamine (88%).

Among the convictions involving cocaine, African American offenders were most likely to be involved in crack. Ninety-two percent of crack cocaine convictions were held by African American offenders; however, none of the (small number of) powder cocaine convictions involved African Americans. It is noted that information about the specific form of cocaine was unavailable for 38 of the 94 offenders, so this information provides only a general comparison and is not an accurate representation of the prevalence of powder and crack cocaine among the races. Nevertheless, it is reasonable to infer that a number of African Americans are convicted for crack cocaine offenses.

Form of Cocaine by Race & Ethnicity		
Unspecified	38	
<i>African American</i>	15	39.5%
<i>Hispanic</i>	11	29.0%
<i>White (NH)</i>	12	31.6%
Powder Cocaine	3	
<i>Hispanic</i>	1	33.3%
<i>White (NH)</i>	1	33.3%
<i>Missing (race)</i>	1	33.3%
Crack Cocaine	53	
<i>African American</i>	49	92.5%
<i>White (NH)</i>	4	7.6%

In order to better understand the criminal backgrounds of methamphetamine and cocaine offenders, a random sample of 52 offenders (approximately 15% of the total) was drawn from the cohort of

methamphetamine and cocaine offenders convicted of B and C felonies who were U.S. citizens (the same sample mentioned earlier in the methodology section). Using the computerized criminal history (CCH) database, each offender's Iowa criminal history was obtained from the Iowa Department of Public Safety.

In the small sample examined, methamphetamine offenders were more likely than cocaine offenders to have previous Iowa felony and misdemeanor convictions. When examining offense types, methamphetamine offenders were more likely to have drug, public order, and property convictions. However, cocaine offenders were more likely to have previous violent convictions.

Percent of Offenders with Iowa Criminal History Convictions			
	Cocaine (n=16 offenders)	Meth (n=36 offenders)	Sample Total (n=52 offenders)
<i>Conviction Type</i>			
Felony	25% (n=4)	31% (n=11)	29% (n=15)
Misdemeanor	63% (n=10)	69% (n=25)	67% (n=35)
<i>Offense Type</i>			
Violent	50% (n=8)	31% (n=11)	37% (n=19)
Drug	44% (n=7)	53% (n=19)	50% (n=26)
Public Order	38% (n=6)	50% (n=18)	46% (n=24)
Property	19% (n=3)	36% (n=13)	31% (n=16)

Please note the small sample sizes. Offenders may be counted more than once, as convictions were counted separately for each category.

Although methamphetamine offenders in the sample were more likely to have been previously convicted of felonies and misdemeanors than cocaine offenders, the latter group, on average, tended to have a higher *number* of prior convictions. This was shown primarily in the number of prior misdemeanor convictions and public order convictions.

AVERAGE Number of Iowa Criminal History Convictions			
	Cocaine (n=16 offenders)	Meth (n=36 offenders)	Sample Total (n=52 offenders)
<i>Conviction Type</i>			
Felony	0.9	0.8	0.8
Misdemeanor	4.0	3.0	3.3
<i>Offense Type</i>			
Violent	0.6	0.4	0.5
Drug	1.6	1.0	1.2
Public Order	2.3	1.4	1.7
Property	0.4	0.9	0.8

Please note the small sample sizes.

Risk Level at Prison Entrance

At the start of prison, the levels of risk for drug traffickers were moderate (the median LSI-R score was 32). A considerable percentage of drug traffickers were at moderate (30%) or moderate/high or high risk of offending (28%). When comparing offenders who served the mandatory sentence to those who were waived, both groups had moderate risk levels. However, the median LSI-R score for those serving the mandatory

sentence was higher (32 compared to 28.5). It should be noted that the levels of risk for 33% of the drug traffickers were not assessed within 180 days of their entrance to prison. Those who were waived were slightly more likely to have risk assessments at entrance than those who were serving mandatory sentences.

Mandatory Minimum Status by LSI-R at Prison Entrance								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	32 (moderate)		33.5 (moderate)		28.5 (moderate)		32 (moderate)	
Low/ LowModerate (0-23)	26	8.9%	9	8.6%	6	7.8%	41	8.7%
Moderate (24-33)	83	28.4%	31	29.5%	30	39.0%	144	30.4%
ModerateHigh/ High (34+)	78	26.7%	40	38.1%	16	20.8%	134	28.3%
Missing	105	36.0%	25	23.8%	25	32.5%	155	32.7%
Total	292	100%	105	100%	77	100%	474	100%

Only prisoners were included in LSI-R at start of prison analysis because initial prison start dates for work releases were not available in the dataset.

Risk Level at Release

At release, the levels of risk for drug traffickers were moderate (the median LSI-R score was 27). Thirty-five percent of all drug traffickers were assessed as having a moderate risk of reoffending upon release into the community and 24% a low or low/moderate risk. When comparing offenders who served the mandatory sentence to those who were waived, both groups had moderate risk levels. However, the median LSI-R score for those who served the mandatory sentence was slightly lower (25 compared to 27.5). It should be noted that the levels of risk for 28% of the drug traffickers were not assessed within 180 days of their entrance into the community. Those who served the mandatory minimum were more likely to have risk assessments at release than those who were waived (only 26% of those who served the mandatory did not have risk assessment, whereas 35% of those waived were not assessed).

Mandatory Minimum Status by LSI-R at Release								
	Mandatory Served		Ineligible		Waived		Total	
MEDIAN	25 (moderate)		31(moderate)		27.5 (moderate)		27 (moderate)	
Low/ LowModerate (0-23)	115	29.6%	18	12.9%	18	18.4%	151	24.2%
Moderate (24-33)	136	35.05%	47	33.8%	33	33.67%	216	34.56%
ModerateHigh/ High (34+)	38	9.8%	30	21.6%	13	13.3%	81	13.0%
Missing	99	25.5%	44	31.7%	34	34.7%	177	28.3%
Total	388	100%	139	100%	98	100%	625	100%

Offense Class

The majority (55%) of drug traffickers were C felons. Two-thirds (66%) of drug traffickers serving the mandatory sentence were C felons, 27% were B felons, and 7% received enhanced penalties. D felons were ineligible to receive the mandatory minimum sentence. Of the offenders who were waived, 91% were C felons. A higher percentage of B felons served the mandatory minimum sentence (27% vs. 3%), whereas a higher percentage of C felons were waived (91% vs. 66%).

Mandatory Minimum Status by Offense Class								
	Mandatory Served		Ineligible		Waived		Total	
B Felony (25 yr) *	104	26.8%			3	3.1%	107	17.1%
C Felony (10 yr)	256	66.0%			89	90.8%	345	55.2%
D Felony (5 yr)			139	100%			139	22.2%
Felony - Enhancement	28	7.2%			6	6.1%	34	5.4%
Total	388	100%	139	100%	98	100%	625	100%

* One B felon was serving a 50 year maximum sentence.

Length of Incarceration

In general, drug trafficking prisoners who were sentenced to the mandatory minimum spent a longer amount of time in prison than those without it. The average length of stay (LOS) for drug trafficking prisoners was 9.5 months longer for those who served the mandatory sentence compared to those who were waived. When considering differences in maximum sentences, statistical significance cannot be determined for most of the offense class categories due to small sample sizes in the comparison groups (e.g., most B felons served the mandatory minimum and only two did not serve it). However, statistical comparisons can be made for C felons, because there were a sufficient number who were serving and who were waived. C felons can serve a maximum of 10 years in prison, with a minimum of about 40 months (3.3 years) if they receive the mandatory sentence. After considering earned time calculations, which are applied at the time of admission, they can spend a mandatory minimum of about 18 months (1.5 years) in prison. The data show that C felons with mandatory minimums serve about 19 months in prison on average. This is approximately 5.5 months longer than those without the mandatory, a statistically significant difference.

Average LOS (months) for Prisoners by Offense Class and Maximum Sentence						
	Mandatory Served		Ineligible		Waived	
	Number	Average	Number	Average	Number	Average
B Felony	79	33.4			2	24.6
Max25yr	78	33.6			2	24.6
Max50yr	1	18.9				
C Felony Max10yr	193	19.1**			69	13.4**
D Felony Max5yr			105	10.1		
Felony - Enhancement	20	34.1			6	23.2
Max10yr	3	17.5			3	19.1
Max15yr	4	32.5			2	29.2
Max20yr	7	37.3			1	23.3
Max25yr	2	37.2				
Max40yr	3	45.1				
Max60yr	1	29.0				
Total (n=474)	292	24.0	105	10.1	77	14.5

** Statistically significant difference in averages $p < 0.01$

Note: earned time is calculated into time served at the time of sentencing and this is reflected in the length of stays.

Earned time reduces the maximum sentence by approximately a multiplier of 0.4545

Only prisoners were included in length of stay analysis because initial prison start dates for work releases were not available in the dataset.

Time Left to Serve on Sentence

Offenders with felony enhancements who serve the mandatory sentence are on parole for a longer time after release from prison compared to those waived. The reverse is true for B and C felons, with those serving the mandatory term being on parole for a shorter time than those waived.

Average Time Left to Serve on Sentence (months) by Offense Class & Maximum Sentence						
	Mandatory Served		Ineligible		Waived	
	Number	Average	Number	Average	Number	Average
Total =624	388	60.4	138	15.4	98	47.6
B Felony	104	105.5			3	113.5
Max25yr	103	106.1			3	113.5
Max50yr	1	36.4				
C Felony Max10yr	256	39.2			89	45.1
D Felony Max5yr			138	15.4		
Felony - Enhancement	28	86.7			6	52.1
Max10yr	5	26.8			3	43.0
Max15yr	5	53.3			2	50.5
Max17yr	1	4.7				
Max20yr	7	77.6			1	82.6
Max25yr	3	103.2				
Max35yr	1	141.4				
Max40yr	5	159.7				
Max60yr	1	229.8				

One offender is missing due to no TDD information. Also, note that the 20 drug traffickers who were discharged at their end date are included in the data.

District

More than half of the offenders who were convicted in Districts 1, 2, 4, 5, and 8 served mandatory sentences (72%, 61%, 74%, 79%, and 57% respectively). Drug traffickers convicted in Districts 3 and 7 were least likely to serve mandatory sentences and were most likely to be waived. In District 3, only 24% of offenders received a mandatory minimum sentence, while 55% were waived. In District 7, 35% received a mandatory sentence, while 39% were waived. District 6 had the highest percentage of offenders who did not serve the mandatory sentence because they were ineligible to receive it (41% served mandatory sentences and 44% were ineligible).

District by Mandatory Minimum Status																	
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total
Mandatory Served	57	72.2%	35	61.4%	18	24.0%	28	73.7%	184	79.3%	11	40.7%	18	34.6%	37	56.9%	388
Ineligible	11	13.9%	19	33.3%	16	21.3%	9	23.7%	36	15.5%	12	44.4%	14	26.9%	22	33.9%	139
Waived	11	13.9%	3	5.3%	41	54.7%	1	2.6%	12	5.2%	4	14.8%	20	38.5%	6	9.2%	98
Total	79	100%	57	100%	75	100%	38	100%	232	100%	27	100%	52	100%	65	100%	625

Among the districts, District 6 had the greatest percentage of offenders (82%) who were assessed as having moderate/high or high risk of reoffending near the time when they entered prison. Districts 2, 3, 4, and 8 had the highest percentages of lower risk offenders, each having about 13% who were assessed as having low and low/moderate risk of reoffending. District 7 showed the greatest likelihood of offenders not being assessed at prison entrance (63%), followed by District 1 (43%). Please note that comparison group sizes are small due to a large number of prisoners who were not assessed within 180 days before or after their entrance to prison.

District by LSI-R at Prison Entrance																	
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total
Low/LowModerate (0-23)	4	7.8%	5	12.8%	8	13.1%	4	13.3%	13	7.0%	0	0.0%	1	2.6%	6	11.8%	41
Moderate (24-33)	11	21.6%	13	33.3%	26	42.6%	12	40.0%	57	30.5%	1	5.9%	7	18.4%	17	33.3%	144
ModerateHigh/High (34+)	14	27.5%	13	33.3%	17	27.9%	3	10.0%	53	28.3%	14	82.4%	6	15.8%	14	27.5%	134
Missing (LSI-R score)	22	43.1%	8	20.5%	10	16.4%	11	36.7%	64	34.2%	2	11.8%	24	63.2%	14	27.5%	155
Total	51	100%	39	100%	61	100%	30	100%	187	100%	17	100%	38	100%	51	100%	474

* Only prisoners were included in the LSI-R at entrance analysis because initial prison start dates when work releases would have been assessed were not available in the dataset.

Among the districts, African-Americans represented the highest percentage of drug traffickers in Districts 7 (35%), 6 (33%), and 1 (28%). Hispanics represented the highest percentage of the population in District 3 (24%), District 7 (23%), and District 4 (18%).

District by LSI-R at Prison Entrance																	
	District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8		Total
African American	22	27.9%	1	1.8%	13	17.3%	0	0.0%	37	16.0%	9	33.3%	18	34.6%	6	9.2%	106
Hispanic	2	2.5%	5	8.8%	18	24.0%	7	18.4%	19	8.2%	0	0.0%	12	23.1%	3	4.6%	66
White	54	68.4%	49	86.0%	42	56.0%	31	81.6%	170	73.3%	17	63.0%	22	42.3%	56	86.2%	441
American Indian/Alaska Native	0		2		1		0		3		0		0		0		6
Asian/Pacific Islander	0		0		1		0		3		1		0		0		5
Missing	1																1
Total	79		57		75		38		232		27		52		65		625

Examination of Offenders who Exited Prison within Six Months of Minimum Parole Date (MPD)

The length of time it took for prisoners to exit incarceration after serving the mandatory minimum sentence is an indicator of who is affected by mandatory sentencing. Offenders who exited within six months after the expiration of the minimum parole date may have been granted parole earlier if the mandatory sentences were not in place. The results show that 70% of drug traffickers in the cohort (n=268) were granted parole within six months after the MPD expired. The mandatory minimum sentence is likely lengthening the prison stays of some of these drug traffickers. It is also possible that additional offenders might have been released from incarceration earlier if not for the requirement of serving the mandatory minimum. Please note that, although 388 cohort members served the mandatory sentence, the MPD was unknown for five offenders so total reported in this section is 383 offenders.

Race & Ethnicity

Three-quarters of the offenders who served mandatory sentences were white, 15% were African American, 8% were Hispanic, and a small percent were Asian or Native American. African Americans comprised a much greater percentage of those who exited later than six months after MPD, and Hispanics and whites comprised a slightly greater percentage of those who exited earlier. Among those who exited later, 21% were African American, 6% were Hispanic, and 72% were white (vs. 12%, 9%, and 77%, respectively, in the comparison group).

Exit within six months after MPD by Race/Ethnicity						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
African American	32	11.9%	24	20.9%	56	14.6%
Hispanic	24	9.0%	7	6.1%	31	8.1%
White	206	76.9%	83	72.2%	289	75.5%
American Indian or Alaska Native	2	0.7%	1	0.9%	3	0.8%
Asian or Pacific Islander	3	1.1%			3	0.8%
Missing (race)	1	0.4%			1	0.3%
Total	268	100%	115	100%	383	100%

Age at Release

At release, the median age of offenders who served the mandatory sentence was 34.7. When the comparing the ages of those who exited within six months and those who exited later, the ages did not differ (the median age for those exiting earlier was 34.8 vs. 34.7 for those exiting later).

Risk Level at Release

Upon release into the community, drug traffickers who served the mandatory sentence were at moderate risk of reoffending (the median LSI-R score was 25). Thirty-five percent had a moderate risk level. In comparing offenders who exited within six months and those who exited later, both groups had moderate risk levels. However, the median LSI-R score for those who exited within six months was lower (24 compared to 27). Also, a larger percentage of those who exited within six months were low or low/moderate risk (33% vs. 23%),

while a larger percentage of those who exited after six months were moderate (43% vs. 32%). It should be noted that the level of risk for 25% of the drug traffickers serving the mandatory minimum were not assessed within 180 days of their release from prison and entrance into the community.

Exit within six months after MPD by LSI-R at Release						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
MEDIAN	24 (moderate)		27 (moderate)		25 (moderate)	
Low/ LowModerate (0-23)	88	32.8%	26	22.6%	114	29.8%
Moderate (24-33)	85	31.7%	49	42.6%	134	35.0%
ModerateHigh/ High (34+)	25	9.3%	13	11.3%	38	9.9%
Missing	70	26.1%	27	23.5%	97	25.3%
Total	268	100%	115	100%	383	100%

Offense Class

The majority (66%) of drug traffickers serving the mandatory minimum sentence were C felons, 27% were B felons, and 7% were convicted on enhanced penalties and serving the mandatory. These percentages were approximately the same among those exiting within six months and those exiting later.

Exit within six months after MPD by Offense Class						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
B Felony	71	26.5%	31	27.0%	102	26.6%
C Felony	177	66.0%	76	66.1%	253	66.1%
Felony - Enhancement	20	7.5%	8	7.0%	28	7.3%
Total	268	100%	115	100%	383	100%

Comparison of B Felons and C Felons

Race and Ethnicity

Although the majority of both B felons and C felons were white, C felons were more likely to be minorities. A higher percentage of B felons were white (78% vs. 68%) and a higher percentage of C felons were African American (19% vs. 8%) and Hispanic (11% vs. 9%). Among those with mandatory sentences, C felons also had a higher percentage of African Americans (17% vs. 8%).

Offense Class by Race/Ethnicity								
	Mandatory Served				Total			
	B Felons		C Felons		B Felons		C Felons	
African American	8	7.7%	44	17.2%	9	8.4%	65	18.8%
Hispanic	9	8.7%	20	7.8%	10	9.4%	39	11.3%
White	82	78.9%	190	74.2%	83	77.6%	236	68.4%
American Indian or Alaska Native	2	1.9%	1	0.4%	2	1.9%	2	0.6%
Asian or Pacific Islander	3	2.9%			3	2.8%	2	0.6%
Missing (race)			1	0.4%			1	0.3%
Total	104	100%	256	100%	107	100%	345	100%

Age at Prison Entrance

At prison entrance, B felons were about 1.5 years older than C felons (median ages of 33.1 and 31.5, respectively). A slightly larger percentage of B felons were in their 30s (ages 31-35 and ages 36-40), 40s (ages 41-50), and 50s (ages 51-60), whereas a slightly larger percentage of C felons were 20 and under (ages 17 under and ages 18-20) or in their 20s (ages 21-25 and ages 26-30).

Offense Class by Age at Prison Entrance				
	B Felons		C Felons	
MEDIAN	33.1		31.5	
17 under			2	0.8%
18-20	4	4.9%	21	8.0%
21-25	17	21.0%	68	26.0%
26-30	13	16.1%	37	14.1%
31-35	12	14.8%	41	15.7%
36-40	15	18.5%	37	14.1%
41-50	16	19.8%	44	16.8%
51-60	4	4.9%	10	3.8%
61-70			2	0.8%
Total	81	100%	262	100%

Only prisoners were included in age at entrance analysis because initial prison start dates for work releases were not available in the dataset.

Age at Release

By the time of release from incarceration, there was a larger age gap between B felons and C felons (36.8 vs. 32.4). B felons were 4.5 years older (based on median ages), likely a result of spending a longer time in incarceration.

Risk Level at Prison Entrance

B felons and C felons were at moderate risk when they entered prison. The LSI-R scores of the comparison groups only differed slightly, as the median LSI-R score for B felons was 31, and C felons, 32. In terms of percentages, B felons were more likely to have moderate levels of risk (40% vs. 28%).

Offense Class by LSI-R at Prison Entrance				
	B Felons		C Felons	
MEDIAN	31 (moderate)		32 (moderate)	
Low/ LowModerate (0-23)	5	6.2%	24	9.2%
Moderate (24-33)	32	39.5%	74	28.2%
ModerateHigh/ High (34+)	20	24.7%	67	25.6%
Missing	24	29.6%	97	37.0%
Total	81	100%	262	100%

Only prisoners were included in LSI-R at entrance analysis because initial prison start dates for work releases were not available in the dataset.

Risk Level at Prison Release

Upon release into the community, B felons were at lower risk of offending than C felons. The median LSI-R score for B felons was 22 (low/moderate risk), compared to 27 (moderate risk) for C felons. A larger percentage of B felons were assessed as low or low/moderate risk (46% vs. 22%); whereas a larger percentage of C felons were moderate risk (37% vs. 24%) and moderate/high or high risk (13% vs. 6%).

Offense Class by LSI-R at Release				
	B Felons		C Felons	
MEDIAN	22 (low/moderate)		27 (moderate)	
Low/ LowModerate (0-23)	49	45.8%	76	22.0%
Moderate (24-33)	26	24.3%	127	36.8%
ModerateHigh/ High (34+)	6	5.6%	44	12.8%
Missing	26	24.3%	98	28.4%
Total	107	100%	345	100%

Outcomes

Return-to-Prison (Recidivism)

Research Note on Foreign Offenders

Foreign-born offenders, almost all of whom were Hispanic, were omitted from the dataset when examining recidivism. The rationale for excluding this group is that the recidivism criterion used here is return to prison in Iowa, and due to deportation and/or incarceration in federal prison, these offenders may have had less of an opportunity to return to Iowa prisons than other offenders, as they were likely not U.S. citizens. Without foreign-born offenders, the total number in the cohort was 577 offenders.

There were 48 foreign-born offenders in the cohort. Fifty-two percent of this group served mandatory sentences and 35% were waived. Sixty percent of the foreign-born were methamphetamine offenders and 16% were cocaine offenders. This group was represented most heavily in District 5 (38%). Foreign-born offenders were younger at prison entrance (median age of 25, vs. 32 for U.S. citizens) and had lower LSI-R risk assessment scores (at entrance, a median LSI-R score of 26, vs. 33 for U.S. citizens; at release, 25 for the foreign-born group, vs. 27 for U.S. citizens).

The data indicate that some of the foreign offenders went to the INS (Immigration Naturalization Service) immediately at their release from prison and a few did not, however, all foreign born offenders were excluded from the data when examining recidivism rates since the possibility exists that they were deported at some later point after incarceration (i.e. after serving parole time). Four of the 48 foreign offenders who returned to prison within the study timeframe were also excluded for the sake of consistency. **The following data provided in the outcomes portion of this report exclude foreign born offenders.**

Offenders who Served Mandatory Sentences vs. Waivers

Sixty-nine percent of drug traffickers (n=398) did not return to prison within three years of release, while 31% of drug traffickers (n=179) did return to prison. Of those who returned, about half (49%) returned on new convictions and half (51%) returned on technical violations.

Offenders who served the mandatory sentence were more likely to return to prison than those waived (33% vs. 28%). Offenders who served the mandatory minimum sentence were also more likely to return on new convictions (54% had new convictions vs. 35%), whereas offenders who did not serve the mandatory were more likely to return on technical violations (65% had technical violations vs. 46%).

Mandatory Minimum Status by Return-to-Prison and Type of Violation								
	Mandatory Served		Ineligible		Waived		Total	
No Return to Prison	243	66.9%	97	72.9%	58	71.6%	398	69.0%
Return to Prison	120	33.1%	36	27.1%	23	28.4%	179	31.0%
<i>New Conviction</i>	65	54.2%	15	41.7%	8	34.8%	88	49.2%
<i>Technical</i>	55	45.8%	21	58.3%	15	65.2%	91	50.8%
Total	363	100%	133	100%	81	100%	577	100%

Fifty-nine percent of drug traffickers who returned to prison were convicted on new felony offenses, 33% on misdemeanors, and 8% on felony enhancements. A larger percentage of those who were waived had felony convictions (75% vs. 55%), whereas a larger percentage of those who served the mandatory sentence had misdemeanors (35% vs. 13%). Nevertheless, felony reconversions were most prevalent among both groups. Please note that a small sample size in the group of waivers may misrepresent the percentage comparisons.

Mandatory Minimum Status by Seriousness of Return-to-Prison New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Felony	36	55.4%	10	66.7%	6	75.0%	52	59.1%
Felony - Enhanced	6	9.2%			1	12.5%	7	8.0%
Misdemeanor	23	35.4%	5	33.3%	1	12.5%	29	33.0%
Total	65	100%	15	100%	8	100%	88	100%

Sixty-one percent of drug traffickers who returned to prison returned on new drug convictions. Only 14% returned on public order offenses, 14% on violent offenses, and 11% on property offenses. Offenders serving the mandatory minimum sentence were more likely to be reconvicted on drug offenses compared to those waived (66% vs. 50%), while waived offenders had a higher percentage of reconversions on public order offenses (25% vs. 14%). Sample sizes in the categories were small.

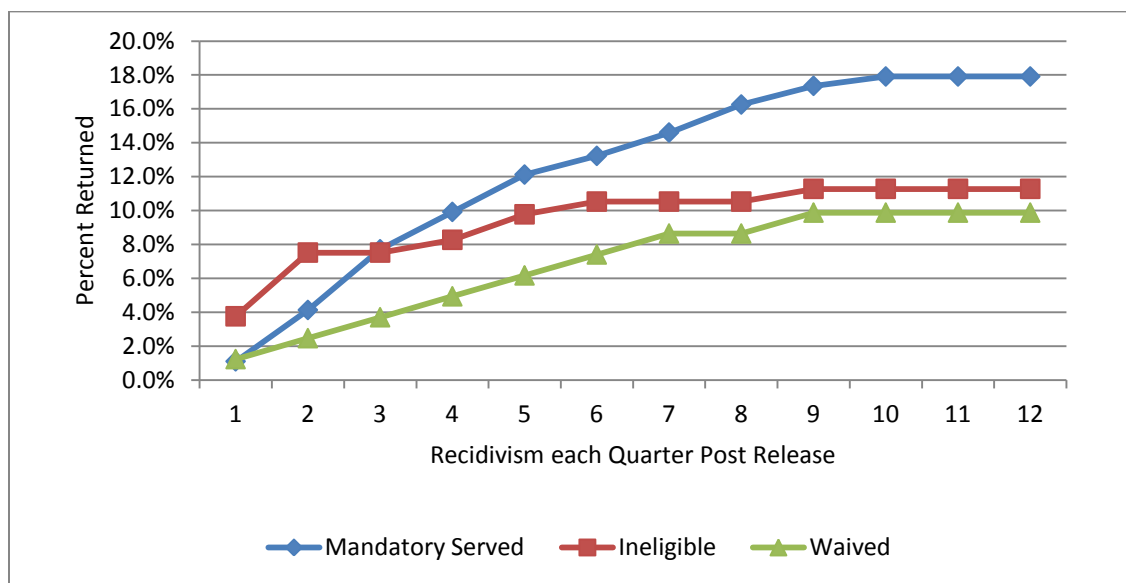
Mandatory Minimum Status by Offense Type of Return-to-Prison New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Drug	43	66.2%	7	46.7%	4	50.0%	54	61.4%
Property	6	9.2%	3	20.0%	1	12.5%	10	11.4%
Public Order	9	13.8%	1	6.7%	2	25.0%	12	13.6%
Violent	7	10.8%	4	26.7%	1	12.5%	12	13.6%
Total	65	100%	15	100%	8	100%	88	100%

On average, drug traffickers who recidivated committed an offense that led to a new conviction that returned them to prison 11.6 months after their initial release from incarceration. The time to recidivate did not differ among waived offenders and those who received mandatory sentences, with recidivism occurring in approximately 12.5 months. The median time to the recidivist event that returned them to prison was 12.5 months for those waived and 11.3 for those who served the mandatory sentence, a difference of 1.2 months.

Mandatory Minimum Status by Average and Median Time to Recidivate (Months) with New Conviction that Led to Prison				
	Mandatory Served	Ineligible	Waived	Total
AVERAGE	12.4	7.4	12.7	11.6
MEDIAN	11.3	3.9	12.5	10.1

The cumulative return-to-prison rate was highest for those serving mandatory sentences, followed by those ineligible for mandatory sentences. It was the lowest for waived offenders. Those who served the mandatory sentence had a lower recidivism rate compared to those who were ineligible to receive the mandatory sentence in the first three quarters (9 months). By the end of the tracking period, recidivism was 18% for those who served the mandatory sentence, 10% for waivers, and 11% for those who were ineligible. Nearly all of the offenders who returned to prison on new convictions, regardless of whether or not they served the mandatory sentence, committed a new offense within two years. The graph below shows the cumulative recidivism rates for the length of time to commit a new conviction that resulted in a return to prison each quarter after release.

Figure 1: Rates of Recidivism



* Recidivism is the offense that led to a new conviction that returned offenders to prison.

Of the drug traffickers who returned to prison on new convictions, forty-seven percent were back in prison in one to two years after release. Twenty-three percent returned in six months to one year, 23% returned in two to three years, and 8% returned in less than six months. A higher percentage of offenders who were waived returned to prison on new convictions in one to two years (63% vs. 48%), and those serving the mandatory were more likely to return in two to three years (25% vs. 13%). Please note that sample sizes were small.

Mandatory Minimum Status by Time to Return to Prison on New Conviction								
	Mandatory Served		Ineligible		Waived		Total	
Less than 6 months	5	7.7%	2	13.3%			7	8.0%
6 months - 1 year	13	20.0%	5	33.3%	2	25.0%	20	22.7%
1 year - 2 years	31	47.7%	5	33.3%	5	62.5%	41	46.6%
2 years - 3 years	16	24.6%	3	20.0%	1	12.5%	20	22.7%
Total (new convictions)	65	100%	15	100%	8	100%	88	100%

Offenders who Exited Prison within Six Months of Minimum Parole Date (MPD)

Sixty-seven percent of drug traffickers (n=238) who received the mandatory minimum sentence did not return to prison within 3 years of their release, while the remaining 34% did return to prison (n=120).

Offenders who were released more than six months after their MPD were more likely to return to prison than those who exited earlier than six months (50% vs. 27%). Among those who returned prison, slightly more returned on new convictions than technical violations (54% vs. 46%). The type of return (new conviction or technical) did not differ among those who exited earlier and those who exited later.

Exit within six months by Return-to-Prison & Type of Violation						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
No Return to Prison	183	73.5%	55	50.5%	238	66.5%
Return to Prison	66	26.5%	54	49.5%	120	33.5%
<i>New Conviction</i>	36	54.5%	29	53.7%	65	54.2%
<i>Technical</i>	30	45.5%	25	46.3%	55	45.8%
Total	249	100%	109	100%	358	100%

Fifty-five percent of the offenders with mandatory minimum sentences who returned to prison were convicted of felony offenses, 35% on misdemeanors, and 9% on felony enhancements. A larger percentage of those who exited later than six months had felony enhancements (14% vs. 6%), whereas a larger percentage of those who exited within six months were reconvicted on felonies (58% vs. 52%).

Exit within six months by Seriousness of Return-to-Prison New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Felony	21	58.3%	15	51.7%	36	55.4%
Felony - Enhanced	2	5.6%	4	13.8%	6	9.2%
Misdemeanor	13	36.1%	10	34.5%	23	35.4%
Total (new convictions)	36	100%	29	100%	65	100%

Two-thirds (66%) of the offenders with mandatory minimum sentences who returned to prison returned on new drug convictions. Only 14% returned on public order offenses, 11% on violent offenses, and 9% on property offenses. Drug convictions comprised about two-thirds of the reconvictions for both those who exited within six months and those who exited later. Those who exited earlier had a higher percentage of violent

convictions than those who exited later (14% vs. 7%), while those who exited later had a higher percentage of property reconstructions (14% vs. 6%); however, the totals in each category were small.

Exit within six months by Offense Type of New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Drug	24	66.7%	19	65.5%	43	66.2%
Property	2	5.6%	4	13.8%	6	9.2%
Public Order	5	13.9%	4	13.8%	9	13.8%
Violent	5	13.9%	2	6.9%	7	10.8%
Total (new convictions)	36	100%	29	100%	65	100%

On average, those who served mandatory sentences committed an offense that led to a new conviction that returned them to prison about 12 months after they were released. Those who were paroled later recidivated an average of 1.4 months more quickly than those who were paroled earlier (in 11.6 months after release compared to 13.0 months). The median time to recidivate was 8.7 months for those who exited later and 12.4 months for those who exited earlier, a difference of 3.7 months.

Exit within six months by Average and Median Time to Recidivate (Months) with New Conviction that Led to Prison			
	Released within 6 months of MPD	Released later than 6 months of MPD	Total
AVERAGE	13.0	11.6	12.4
MEDIAN	12.4	8.7	11.3

Nearly half of the offenders with mandatory minimum sentences (48%) returned to prison with new convictions in one to two years after release. A quarter of them (25%) returned in two to three years, 20% returned in six months to one year, and only 8% returned in less than six months. Among those who exited within six months after MPD, the majority (64%) returned on new convictions in one to two years, and they were more likely to return in one to two years compared to those who exited later than six months (64% vs. 28%). Those who exited later than six months returned to prison sooner and were more likely to return in less than one year (41% vs. 17%).

Exit within six months by Time to Return to Prison on New Conviction						
	Released within 6 months of MPD		Released later than 6 months of MPD		Total	
Less than 6 months	2	5.6%	3	10.3%	5	7.7%
6 months – 1 year	4	11.1%	9	31.0%	13	20.0%
1 year - 2 years	23	63.9%	8	27.6%	31	47.7%
2 years - 3 years	7	19.4%	9	31.1%	16	24.6%
Total (new convictions)	36	100%	29	100%	65	100%

B Felons vs. C Felons

Overall, B felons had a lower three year return-to-prison rate than C felons (25% vs. 35%). Among those who served mandatory sentences, B felons also had a lower return- to- prison rate than C felons (24% vs. 37%). Interestingly, C felons who served the mandatory sentence were more likely to return to prison within three years of release than those waived (37% vs. 27%). The small number of B felons who were waived may misrepresent the return- to- prison rate for that comparison group.

Any Return to Prison Rate by Offense Class									
	Mandatory Served			Waived			Total		
	Total	N Return	% Return	Total	N Return	% Return	Total	N Return	% Return
B Felons	92	22	23.9%	2	1	50.0% *	94	23	24.5%
C Felons	245	90	36.7%	73	20	27.4%	318	110	34.6%

* Small comparison group size may misrepresent the return-to-prison rate

Overall, B felons were less likely to return to prison on new convictions than C felons (12% vs. 18%). Among those serving mandatory sentences, B felons also had a lower return-to-prison rate for new convictions than C felons (12% vs. 20%). Interestingly, C felons who served the mandatory sentence were more likely to return to prison within three years of release than those waived (20% vs. 10%). The small number of B felons not serving the mandatory sentence may misrepresent the return- to- prison rate for that comparison group.

New Conviction Return to Prison Rate by Offense Class									
	Mandatory Served			Waived			Total		
	Total	N Returned	% Returned	Total	N Returned	% Returned	Total	N Returned	% Returned
B Felons	92	11	12.0%	2	0	0.0% *	94	11	11.7%
C Felons	245	49	20.0%	73	7	9.6%	318	56	17.6%

* Small comparison group size may misrepresent the return-to-prison rate

Among those serving mandatory sentences, B felons were more likely to return to prison on new felony convictions, while C felons were more likely to return on misdemeanors. Among B felons with new convictions, 64% had felonies (vs. 55% of C felons). Among C felons, 39% returned to prison on misdemeanors (vs. 27% of B felons). C felons who were waived were more likely to return on felonies (86% vs. 55%) and felony enhancements (14% vs. 6%), whereas those serving the mandatory sentence were more likely to return on misdemeanors (39% vs. 0%). Please note that the waived group was small, which may misrepresent the percentage comparisons.

Mandatory Minimum Status among Offense Classes by Seriousness of New Conviction						
	Mandatory Served		Waived		Total	
B Felons	11		0		11	
Felony	7	63.6%			7	63.6%
Felony - Enhanced	1	9.0%			1	9.0%
Misdemeanor	3	27.3%			3	27.3%
C Felons	49		7		56	
Felony	27	55.1%	6	85.7%	33	58.9%
Felony - Enhanced	3	6.1%	1	14.3%	4	7.1%
Misdemeanor	19	38.8%			19	33.9%

Among those serving mandatory sentences, B felons and C felons did not differ in their likelihood of returning to prison on new drug convictions (about 65%). However, B felons were more likely to return on new property offenses (27% vs. 6%) and C felons were more likely to return on public order offenses (16% vs. 9%) and violent offenses (12% vs. 0%). When comparing C felons serving the mandatory sentence vs. those waived, a higher percentage of waived offenders had new property convictions (14% vs. 6%), while a higher percentage of those who served mandatory sentences had drug offenses (65% vs. 57%).

Mandatory Minimum Status among Offense Classes by Type of New Conviction						
	Mandatory Served		Waived		Total	
B Felons	11		0		11	
Drug	7	63.6%			7	63.6%
Property	3	27.3%			3	27.3%
Public Order	1	9.1%			1	9.1%
Violent						
C Felons	49		7		56	
Drug	32	65.3%	4	57.1%	36	64.3%
Property	3	6.1%	1	14.3%	4	7.1%
Public Order	8	16.3%	1	14.3%	9	16.1%
Violent	6	12.2%	1	14.3%	7	12.5%

B felons and C felons who served the mandatory sentence did not differ in the average length of time it took them to commit an offense that led to a new conviction that returned them to prison, about 12.5 months after release from incarceration. Also, the averages for C felons who served mandatory sentences vs. those who were waived did not differ (12.5 vs. 12.6). Medians scores are reported in the table below.

Mandatory Minimum Status among Offense Classes by Average and Median Time to Recidivate (months) with New Conviction that Led to Prison			
	Mandatory Served	Waived	Total
B Felons			
AVERAGE	12.6	0	12.6
MEDIAN	7.5	0	7.5
C Felons			
AVERAGE	12.5	12.6	12.5
MEDIAN	11.9	10.9	11.6

Level of Risk at Prison Entrance

Among offenders whose levels of risk were submitted within 180 days of their prison entrance, offenders' LSI-R scores at prison entrance were moderately associated with recidivism. Thirty-two percent of moderate/high or high risk offenders returned to prison, compared to only 19% of moderate risk offenders and 17% of low or low/moderate risk offenders. For returns on new convictions, the rates were 10%, 9%, and 6%, respectively.

The return-to-prison rates were about the same for low and low/moderate risk offenders who served mandatory sentences and those whose mandatory sentences were waived (20%). However, for both moderate

and moderate/high or high risk offenders, those who served mandatory sentences had higher returns rates than the waived group (21% vs. 14% and 35% vs. 31%, respectively).

Return-to-Prison by Mandatory Minimum Sentence Status and LSI-R at Prison Entrance									
	Mandatory Served			Ineligible			Waived		
	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate
Low/ LowModerate (0-23)	21	4	19.0%	9	1	11.1%	5	1	20.0%
Moderate (24-33)	78	16	20.5%	27	5	18.5%	21	3	14.3%
ModerateHigh/ High (34+)	75	26	34.7%	39	10	25.6%	16	5	31.3%

Only prisoners were included in LSI-R at prison entrance analysis because initial prison start dates for work releases were not available in the dataset.

LSI-R at prison entrance seems to be somewhat predictive of recidivism for cocaine, marijuana, and methamphetamine offenders. For marijuana offenders, none of the low or low/moderate risk offenders returned, while 23% of moderate risk returned and 26% of the moderate/high or high risk offenders returned. For cocaine and methamphetamine offenders, low or low/moderate risk offenders had lower returns rates (25% for both groups) than moderate/high or high risk offenders (55% for cocaine and 28% for methamphetamine); however, the moderate risk offenders were least likely to return.

In comparing cocaine and methamphetamine offenders who had risk assessments at prison entrance, cocaine offenders had higher statistical risk. Cocaine offenders' median LSI-R score was 36, moderate/high risk, whereas methamphetamine offenders' median score was 32, moderate risk. Both cocaine and methamphetamine offenders who served mandatory sentences had higher median LSI-R scores at prison entrance than comparable drug offenders whose mandatory terms were waived. However, cocaine offenders had higher median LSI-R scores at prison entrance than methamphetamine offenders regardless of whether or not they served the mandatory sentence.

Level of Risk at Release

Among offenders whose levels of risk were submitted within 180 days of their release from incarceration, higher risk offenders were more likely to return to prison. Forty-one percent of moderate/high or high risk offenders returned to prison compared to only 34% of moderate risk offenders and 21% of low or low/moderate risk offenders. For returns on new convictions, the rates were 21%, 15%, and 12%, respectively. This suggests that LSI-R scores at release from prison are moderately associated with recidivism.

The return-to-prison rates were higher for low or low/moderate risk offenders whose mandatory sentences were waived than those who served mandatory sentences (27% vs. 21%). However, for both moderate and moderate/high or high risk offenders, those who served mandatory sentences had higher returns rates than the waived group (34% vs. 32% and 61% vs. 15%, respectively).

Return-to-Prison by Mandatory Minimum Sentence Status and LSI-R at Release									
	Mandatory Served			Ineligible			Waived		
	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate	N (total)	N (returned)	Return Rate
Low/ LowModerate (0-23)	112	23	20.5%	18	3	16.7%	15	4	26.7%
Moderate (24-33)	133	45	33.8%	45	15	33.3%	28	9	32.1%
ModerateHigh/ High (34+)	38	23	60.5%	30	8	26.7%	13	2	15.4%

LSI-R risk level at release from incarceration was associated with higher return-to-prison rates for all drug types. For each drug type, those in the lowest risk categories had the lowest returns rates, followed by the moderate and moderate/high or high risk categories. As would be expected, the LSI-R score at release is more strongly associated with recidivism than the LSI-R score at admission.

LSI-R assessments submitted within 180 days of release from incarceration were also associated with returns-to-prison rates for both those who were paroled within six months of meeting parole eligibility and those paroled later than six months. In both comparison groups, offenders in the highest risk category had the highest prison return rates, followed by moderate risk. Offenders in the lowest risk category were least likely to return to prison.

Also, offenders who served mandatory sentences and exited within six months after MPD (minimum parole eligibility date) at each LSI-R category had lower returns than offenders who exited later than six months in comparable risk categories. This suggests that, for the cohort examined here, the Board of Parole was successful in identifying offenders most likely to recidivate, even within LSI-R risk categories.

Exit within six months after MPD by LSI-R at Release and Return-to-Prison						
	MEDIAN	N	New Conviction Returns	Total Returns	New Conviction Return Rate	Total Return Rate
Released within 6 months of MPD	24 (moderate)	249	36	66	14.5%	26.5%
Low/ LowModerate (0-23)		85	6	13	7.1%	15.3%
Moderate (24-33)		84	13	22	15.5%	26.2%
ModerateHigh/ High (34+)		25	7	13	28.0%	52.0%
Released later than 6 months of MPD	27 (moderate)	109	29	54	26.6%	49.5%
Low/ LowModerate (0-23)		26	8	10	30.8%	38.5%
Moderate (24-33)		47	9	23	19.1%	48.9%
ModerateHigh/ High (34+)		13	5	10	38.5%	76.9%

Missing LSI-R scores were not included in the percentages.

Changes in Offenders' Risk Levels during Prison

The recidivism rates of prisoners whose LSI-R scores increased, remained the same, or decreased over the course of their prison stays were analyzed. Taking into consideration the change in LSI-R scores over the course of prison stays, offenders whose risk worsened in prison had higher return-to-prison rates than those whose risk improved (30% vs. 20%). Although this is a small cohort limited to one type of offender, it suggests that the extent to which a prisoner's risk changes in prison has a relationship to success following incarceration.

Change in LSI-R Scores over the Course of Prison Stay by Return-to-Prison				
	N (total)	New Conviction Returns	Total Returns	Total Return Rate
Improved (LSIR decreased)	158	8	31	19.6%
Same (LSIR no change)	14	4	5	35.7%
Worsened (LSIR increased)	23	4	7	30.4%
Total	195	16	43	22.1%

Only prisoners were included in LSI change data because initial prison start dates for work releases were not available in the dataset. Also, the analysis only includes those assessed at both prison entrance and exit.

Analysis of the average time served and changes in LSI-R scores for the comparison groups suggests an association between length of stay in prison and reductions in LSI-R scores. As shown in the table, those whose LSI-R scores improved during incarceration tended to serve more time in prison than those whose scores either remained unchanged or worsened. When breaking the data by offense class, this tended to be true for all groups with the exception of C felons, who showed little difference in time served.

AVERAGE Length of Stay in Prison (months) and Changes in LSI-R Scores				
	Mandatory Served	Ineligible	Waived	Total
Improved (LSIR decreased)	24.5	10.8	19.2	21.7
Same (LSIR no change)	21.7	13.3	18.8	19.9
Worsened (LSIR increased)	23.0	9.5	15.8	15.3

Only prisoners were included in LSI-R change data because initial prison start dates for work releases were not available in the dataset. Also, the analysis only includes those assessed at both prison entrance and exit.

Level of Risk and Length of Prison Stay

At prison entrance, C felons who served mandatory sentences had slightly higher median LSI-R scores than comparable offenders whose mandatory sentences were waived (33 vs. 31.5). C felons were also higher risk than B felons who served mandatory sentences (33 vs. 31).

Data were analyzed to examine whether low risk offenders are more quickly released than comparable high risk offenders. The data do not support this, as the length of stay among the risks varied among the offense classes and was not consistent.

AVERAGE Prison Length of Stay (months) by LSI-R at Release and Mandatory Sentence Status			
	Mandatory Served	Ineligible	Waived
B Felons	34.3		24.7
Low/ LowModerate (0-23)	32.6		24.7
Moderate (24-33)	31.5		
ModerateHigh/ High (34+)	26.2		
C Felons	19.1		14.5
Low/ LowModerate (0-23)	19.8		15.2
Moderate (24-33)	19.2		11.2
ModerateHigh/ High (34+)	20.0		16.9
D Felons		10.1	
Low/ LowModerate (0-23)		9.4	
Moderate (24-33)		8.7	
ModerateHigh/ High (34+)		11.3	
Felon - Enhanced	33.5		23.2
Low/ LowModerate (0-23)	29.4		22.4
Moderate (24-33)	33.7		19.4
ModerateHigh/ High (34+)	43.2		

Only prisoners were included in length of stay analysis because initial prison start dates for work releases were not available in the dataset. Foreign-born offenders were excluded from the data.

Data were also examined to determine whether or not serving longer sentences reduces the risk of reoffending among the risk categories. The length of stay does not appear to have much impact on recidivism among the risk categories, as there is little variation in the return rates of offenders who stayed in prison for shorter (less than the median) or longer (greater than the median) periods of time.

Drug Type

Cocaine traffickers were more likely than methamphetamine and marijuana traffickers to return to prison within three years of release (45% of cocaine traffickers returned vs. 30% of methamphetamine traffickers and 24% of marijuana traffickers). Among those who returned to prison, the percentage returning on new convictions compared to technical violations did not vary much among the drug types, with about equal percentages returning on new convictions and technical violations in each drug category.

Among offenders serving mandatory sentences, cocaine traffickers were more likely than methamphetamine traffickers to return to prison within three years of release (50% vs. 31% returned). Cocaine offenders were more likely to return on new convictions than technical violations (28% vs. 22%), whereas methamphetamine traffickers were about equally likely to return on new convictions and technical violations (16% vs. 15%). Among offenders whose mandatory sentences were waived, cocaine offenders were also more likely than methamphetamine offenders to return to prison (35% vs. 26%). Waived cocaine and

methamphetamine offenders were both more likely to return to prison on technical violations than new convictions.

Compared to offenders serving mandatory sentences, waived offenders (with convictions involving the same drug type) were less likely to return to prison. However, this effect was more pronounced for cocaine offenders. Among cocaine offenders, 50% of those who served mandatory sentences returned to prison within three years, but only 35% whose mandatory sentences were waived returned. For methamphetamine traffickers, 31% serving the mandatory sentence returned, compared to 26% of those not sentenced to the mandatory term. Also, among those who returned to prison, the likelihood of returning on new convictions (as opposed to technical violations) was associated with receiving a mandatory sentence. Both cocaine and methamphetamine offenders who served mandatory sentences were more likely to return on new convictions compared to the same drug comparison groups who were waived (for cocaine offenders, 28% who served mandatory sentences had new convictions vs. 8%; for methamphetamine offenders, 16% vs. 11%).

Drug Type by Mandatory Status and Returns to Prison										
	Cocaine		Marijuana		Meth		Other	Unknown	Total	
Mandatory Served	60		1		268		3	31	363	
Total Return to Prison	30	50.0%	0		83	31.0%	0	7	120	33.1%
<i>New Conviction</i>	17	28.3%			44	16.4%		4	65	17.9%
<i>Technical</i>	13	21.7%			39	14.6%		3	55	15.2%
Waived No Mandatory	26		2		46		2	5	81	
Total Return to Prison	9	34.6%	0		12	26.1%	0	2	23	28.4%
<i>New Conviction</i>	2	7.7%			5	10.9%		1	8	9.9%
<i>Technical</i>	7	26.9%			7	15.2%		1	15	18.5%
Ineligible No Mandatory	0		84		48		0	1	133	
Total Return to Prison	0		21	25.0%	15	31.3%	0	0	36	27.1%
<i>New Conviction</i>			10	11.9%	5	10.4%			15	11.3%
<i>Technical</i>			11	13.1%	10	20.8%			21	15.8%
Total	86		87		362		5	37	577	

African-Americans, who were primarily cocaine users, were overall more likely than Hispanics and whites to return to prison, who were more likely to use methamphetamine. Fifty percent of African-Americans returned, vs. 25% of Hispanics and 26% of whites. However, African-Americans were more likely to return on technical violations (30%) than new convictions (20%), whereas Hispanics were more likely to return on new convictions (18%) than technical violations (7%), and whites were equally likely to return on either type of violation (13%). African-Americans were also more likely than the others to return to prison regardless of the drug involved. For instance, 55% of African-American cocaine offenders returned compared to only 13% of whites.

Cocaine and methamphetamine offenders who returned to prison on **new convictions** were about equally likely to return with felony and misdemeanor convictions (approximately 60% had felonies and 35% had misdemeanors). When examining the offense types of the returns for new convictions, they were also equally likely to return to prison for drug and public order offenses (approximately 60% for drugs and 16% for public order). However, methamphetamine offenders were more likely than cocaine offenders to return on property offenses (15% vs. 5%), while cocaine offenders were more likely to return on violent offenses (16% vs. 9%).

Calculations of the average time to commit a new offense that led to a prison return indicate that marijuana traffickers recidivated the most quickly, followed by cocaine traffickers and methamphetamine offenders. Cocaine traffickers recidivated an average of three months more quickly than methamphetamine traffickers (9.8 months after release vs. 12.9 months).

District

Districts 1 and 8 had the highest returns-to-prison rates, each having 36% of drug traffickers return. There does not appear to be a relationship between the prevalence of mandatory sentences among the districts and return-to-prison rates. For example, District 4, which had the second highest percentage of offenders serving mandatory sentences, had the lowest return-to-prison rate among the districts at 16%. District 7, which had the second lowest percentage of offenders serving mandatory sentences, had a fairly high return-to-prison rate (35%) compared to the other districts.

	% Mandatory Served	Total Return Rate	New Conviction Return Rate
District 5 (n=214)	81%	35.0%	15.0%
District 4 (n=32)	72%	15.6%	9.4%
District 1 (n=77)	71%	36.4%	19.5%
District 2 (n=55)	60%	18.2%	10.9%
District 8 (n=64)	56%	35.9%	28.1%
District 6 (n=27)	41%	29.6%	11.1%
District 7 (n=46)	37%	34.8%	17.4%
District 3 (n=62)	24%	22.6%	4.8%

Estimated Marginal Costs

The Iowa Dept. of Corrections has one of the larger budgets in state government. Evidence presented here suggests that mandatory minimum sentences are associated with higher inmate costs due to longer lengths-of-stay for those serving mandatory minimum terms. Offenders in this study who served mandatory minimum sentences served an average of about 9.5 months (overall average difference between those serving vs. waivers) longer in prison. Prison is a costlier option than probation and parole. In FY 2010, the marginal cost of one day in prison per offender in Iowa was \$16.75, but on probation and parole the average cost was \$3.64 each day per offender (DOC estimates). This is a cost differential of \$13.11 per offender per day.

If the 388 offenders who served the mandatory sentence had been released 9.5 months earlier (i.e., after the same length-of-stay as those without mandatory terms), it would have saved \$5,086.68 per day or \$1,449,703.80 total over the course of the 9.5 month time period for those 388 offenders. This is a conservative cost estimate because this study only included new admissions and probation revocations.

Class B felons who served mandatory sentences were incarcerated about 8.8 months longer than those who did not and C felons who served mandatory sentences were incarcerated about 5.7 months longer. The savings from eliminating mandatory minimum sentences for C felons, however, is greater than for B felons, for more C felons than B felons serve mandatory minimum sentences. If the 104 B felons who served the mandatory sentence had been paroled 8.8 months earlier, it would have saved \$1,363.44 per day or \$359,948.16 total over the course of the 8.8 month period of time. If the 256 C felons serving the mandatory sentence had been paroled 5.7 months earlier, it would have saved \$3,356.16 per day or \$573,903.36 over the course of 5.7 months.

Cost Savings	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Drug Traffickers (overall)	9.5	285	388	\$13.11	\$5,086.68	\$1,449,703.80
B Felons	8.8	264	104	\$13.11	\$1,363.44	\$359,948.16
C Felons	5.7	171	256	\$13.11	\$3,356.16	\$573,903.36

Cost Estimates by Risk Level

	Difference in time to return to prison (months) for those serving mandatory vs. waived	Total Return Rate - Mandatory Served	Total Return Rate - Waived	Mandatory Served Average LOS (months)	Waived (months)	Average Months Difference in LOS	Average Days Difference in LOS (rounded)	Total Number Serving Mandatory (in cohort)	Cost Savings of Parole/Probation vs. Prison (per offender per day)	Cost Savings of Parole/Probation vs. Prison (per day)	Total Cost Savings if No Mandatory
Low and Low/Moderate	9.5 months (waived returned sooner)	19.0%	20.0%	19.6	8.5	11.1	333	26	\$13.11	\$340.86	\$113,506.38
Moderate	0.9 months (those with mandatory sentences returned sooner)	20.5%	14.3%	25.2	12.9	12.3	369	83	\$13.11	\$1,088.13	\$401,519.97
Moderate/High and High	0 months	34.7%	31.3%	23.0	19.4	3.6	108	78	\$13.11	\$1,022.58	\$110,438.64

The table only estimates the costs for the cohort examined here. It does not represent all drug traffickers who served mandatory sentences and were released in FY2007 – only the 625 cohort members. Also, only prisoners are included in length of stay and risk score analysis at prison entrance because work release data were not available in the dataset. Not all offenders were assessed at prison entrance. Return-to-prison rate calculations exclude foreigners.

Among offenders who were assessed at prison entrance, 14% of prisoners who served mandatory sentences were low and low/moderate risk. Low and low/moderate risk offenders who served mandatory sentences represented 18% of the total cost savings of assessed prisoners.

If mandatory sentences were eliminated for low or low/moderate risk offenders in the cohort, it would result in cost savings without changing recidivism (the return-to-prison rates of low or low/moderate risk who served mandatory terms vs. those waived did not differ). Maintaining the current mandatory sentencing policy for moderate and moderate/high or high risk offenders would not reduce recidivism (those who served mandatory terms had higher return-to-prison rates than those who were waived), but it would incapacitate those offenders who are more likely to return for a longer time period.

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Appendix A: IA Codes Eligible for §124.413 Mandatory Sentence

CrimeCd	YearOfCode	OffenseDesc	CrimeClass	CrimeSubType
§124.401(1)(a)(1)	1993	Proh Acts-Heroin GT 1kg	B Felony	Trafficking
§124.401(1)(a)(2)(a)	1993	Proh Acts-Coca Leaves GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(b)	1993	Proh Acts-Cocaine GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(c)	2001	Proh Acts--Ecgonine GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(d)	2001	Proh Acts--Meth GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(e)	2001	Proh Acts--Amph GT 5kg	B Felony	Trafficking
§124.401(1)(a)(2)(f)	2001	Proh Acts--Other Cont Subst LT 5kg	B Felony	Trafficking
§124.401(1)(a)(3)	2001	Proh Acts--Cocaine GT 50gm	B Felony	Trafficking
§124.401(1)(a)(4)	2001	Proh Acts--PCP GT 100gm	B Felony	Trafficking
§124.401(1)(a)(5)	2001	Proh Acts--LSD GT 10gm	B Felony	Trafficking
§124.401(1)(b)(1)	2001	Proh Acts--Heroin GT 100 gm but LT 1kg	B Felony	Trafficking
§124.401(1)(b)(2)(a)	2001	Proh Acts--Cocoa Leaves GT 500 gm but LT 5 kg	B Felony	Trafficking
§124.401(1)(b)(2)(b)	2001	Proh Acts--Cocaine > 100 gm and < 500 gms.	B Felony	Trafficking
§124.401(1)(b)(2)(c)	2001	Proh Acts--Ecgonine GT 500 gm but LT 5 kg	B Felony	Trafficking
§124.401(1)(b)(2)(d)	2001	Proh Acts--Other Cont Sub LT 500 gm	B Felony	Trafficking
§124.401(1)(b)(3)	2001	Proh Acts--Cocaine GT 5gm but LT 50 gm	B Felony	Trafficking
§124.401(1)(b)(4)	2001	Proh Acts--PCP GT 10gm but LT 100gm	B Felony	Trafficking
§124.401(1)(b)(5)	2001	Proh Acts--LSD LT 10gm	B Felony	Trafficking
§124.401(1)(b)(7)	2001	Proh Acts--Meth GT 5gm but LT 5kg	B Felony	Trafficking
§124.401(1)(b)(8)	2001	Proh Acts--Amph GT 5gm but LT 5kg	B Felony	Trafficking
§124.401(1)(c)(1)	2001	Proh Acts--Heroin LT 100gm	C Felony	Trafficking
§124.401(1)(c)(2)(a)	2001	Proh Acts--Cocoa Leaves LT 500 gm	C Felony	Trafficking
§124.401(1)(c)(2)(b)	2001	Proh Acts--Cocaine LT 500gm	C Felony	Trafficking
§124.401(1)(c)(2)(c)	2001	Proh Acts--Ecgonine LT 500gm	C Felony	Trafficking
§124.401(1)(c)(2)(d)	2001	Proh Acts--Other Cont Subst LT 500 gm	C Felony	Trafficking
§124.401(1)(c)(3)	2001	Proh Acts--Cocaine LT 5gm	C Felony	Trafficking
§124.401(1)(c)(3)	2003	Proh. Acts -- Cocaine LT 10 gm	C Felony	Trafficking
§124.401(1)(c)(4)	2001	Proh Acts--PCP LT 10gm	C Felony	Trafficking
§124.401(1)(c)(6)	1999	Proh Acts--Meth LT 5 gm	C Felony	Trafficking
§124.401(1)(c)(7)	1999	Proh Acts--Amph LT 5 gm	C Felony	Trafficking
§124.401(1)(c)(8)	1999	Proh Acts--Other Subst Sched I, II, III	C Felony	Trafficking
§124.401A	2001	Proh Acts-Dist Sched I, II, III-Real Prop (ADD 5 YR)	Enhancement	Trafficking
§124.401C	1998	Manufacture Meth in Minors Presence	Enhancement	Trafficking
§124.411	1993	Cont Subst-2nd or Subseq-3X Penalty Enh	Enhancement	Trafficking
§902.8,B	1978	HABITUAL OFFENDER (PROPERTY)	Enhancement	Other Criminal

Appendix B: IA Codes Ineligible for §124.413 Mandatory Sentence (in Cohort)

CrimeCd	YearOfCode	OffenseDesc	CrimeClass	CrimeSubType
§124.401(1)(d)(2)		Proh Acts--Flunitrazepam or <50kg Marijuana	D Felony	Trafficking
§124.401(4)(a)	2000	Proh Acts-Poss Prod Int for Mfg - Ephedrine	D Felony	Trafficking
§124.401(4)(b)	2000	Proh Acts-Poss Prod Int for Mfg - Pseudoephedrine	D Felony	Trafficking
§124.401(4)(c)	2000	Proh Acts-Poss Prod Int for Mfg - Ethyl ether	D Felony	Trafficking
§124.401(4)(d)	2000	Proh Acts-Poss Prod Int for Mfg - Anhydrous Ammonia	D Felony	Trafficking
§124.401(4)(e)	2000	Proh Acts-Poss Prod Int for Mfg - Red Phosphorous	D Felony	Trafficking
§124.401(4)(f)	2000	Proh Acts-Poss Prod Int for Mfg - Lithium	D Felony	Trafficking
§124.406(3)	2002	Conspiracy to Deliver Controlled Subs to Minor	D Felony	Trafficking