

My name is Al Hays. I am a retired UNI professor and I represent the Mass Incarceration Statewide Network. We are a group of concerned citizens who wish to see a change in direction in the Iowa criminal justice system away from reliance on mass incarceration. Thank you for the opportunity to share some thoughts with you.

There is a growing national consensus that our nation's system of mass incarceration needs to change. In our polarized nation, it is rare to find an issue on which people from all points along the political spectrum agree. Yet, on the issue of reducing our prison population, calls for change are coming from conservatives like Cal Thomas, Rand Paul, the Koch Brothers, and John Boehner as well as from traditionally liberal groups such as the NAACP and the ACLU. Our own senior Republican Senator, Charles Grassley, has recently thrown his considerable weight behind sentencing reform at the federal level.

Almost everyone agrees that there is a certain group of people within the society as a whole who should be incarcerated due to the severity of their crimes. However, there are thousands more who are being incarcerated unnecessarily for less serious offenses. These offenses could be better addressed in other ways, such as community based corrections and treatment. Numerous studies have shown that longer, more punitive sentences do not reduce recidivism or otherwise contribute to public safety. And yet, they impose very high costs on the taxpayer.

As an example of the system's ineffectiveness, consider the War on Drugs. Data from the Substance Abuse and Mental Health Services Administration show that rates of drug abuse within the population have remained virtually unchanged during the last 30 years, despite massive increases in incarceration for drug offenses. Lower level drug dealers are often given lengthy sentences, while the "kingpins" serve less time. Moreover, imprisoning drug dealers has little impact on the overall market for drugs, since, as long as the demand is there, those in prison are merely replaced by others.

However, it is not just a matter of the system being ineffective. It also inflicts serious harm on individuals and families who are caught up in it. Offenders suffer permanent loss of employment opportunities and educational opportunities. A Pew study found a 40 % loss in lifetime income due to incarceration. Those who are mentally ill or addicted to drugs often do not get adequate treatment, which leads them to reoffend. The families of those incarcerated also suffer greatly. The same Pew study found lower school performance for the children of those incarcerated. Offenders are often severed from the family and social networks that can help them re-integrate into society. These ongoing human costs make it imperative that action be taken NOW to reform the system.

This Working Group has been charged with looking into important reforms that can make Iowa's system of justice more equitable, effective, and humane. Our network supports these reforms. Drug courts and mental health courts can, by diverting some people from prison, increase the likelihood that they will become productive citizens as compared to simply warehousing them for a few years. Making the juvenile justice system fairer and increasing the true representativeness of jury pools are very important changes. Also, the system of excessive prison phone charges has allowed private companies to rip off prisoners while further isolating them from their families and other social networks that we know are important for successful reentry.

However, in making its recommendations, we hope that the Working Group will not lose sight of the bigger picture. Our state and our nation must take a comprehensive approach to reducing mass incarceration. We must reduce or eliminate mandatory minimum sentences, which according to the CJPJ may have a negative, rather than a positive impact on recidivism. We must also make sure that mental health services and drug treatment services are adequately funded, and we must divert more people from the criminal justice system to these cheaper and more effective alternatives. Frankly, I'm not sure why anyone would ever think that putting a mentally ill or drug addicted person in jail would actually improve their situation or make society safer.

Our current criminal justice system also raises serious issues of racial justice. In Iowa, the disproportionality in incarceration of African Americans far exceeds any differences in rates of offending between the races. It would appear from several recent analyses that African Americans are being disproportionately targeted by drug enforcement activities in Iowa, even though their rates of drug use are similar to those of whites. They are also more likely to receive harsher sentences, including mandatory minimums, than whites convicted of similar offenses. If Iowa is to be considered a state that is fair and just to all its citizens, these inequities simply must be addressed.

Our statewide network has identified four priorities:

- Improving mental health services for offenders and diverting them from incarceration
- Reducing or eliminating mandatory minimum sentencing, so as to allow judges to fit the punishment to the crime.
- Developing alternatives to incarceration for low level offenders.
- Enhancing post-release services for offenders so that they can become productive members of society who support their families and do not reoffend.

We will be contacting legislators concerning these priorities, and we would be pleased to work with the Governor in any way possibly to move Iowa in a positive direction. We would like for Iowa to be in the forefront of reform, rather than dragging its feet as it seems to have been doing over the last few years.

When it comes to criminal justice reform, the data are in. We don't need further studies to prove that the current system is less than effective and that it imposes incredible human costs. Now is the time for clear, decisive action to bring about reform. By making a commitment to give this a high priority and to work together, I am confident that we can achieve a better system.

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