

Racial Disparities in the Criminal Justice System: Challenges and Opportunities in Iowa

February 2020

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What the Data Show

- Arrest, Conviction & Incarceration
 - Iowa ranks worst in the nation in racial disparities of marijuana arrests. Despite equal usage, a Black person is 8 times more likely to be arrested for possession.
 - [ACLU Marijuana in Black & White Report](#)
 - Overall arrest rates are worse. A 2015 USA Today report found a Black person is overall 10 times more likely to be arrested than a white person in Iowa. You can look at breakdowns by police department on the [USA Today website](#).
 - [The Sentencing Project](#) reviewed US Bureau of Justices Statistics to find that prison disparities are similarly awful in Iowa. Iowa has the third worst racial disparities in incarceration rates for Black and white residents.

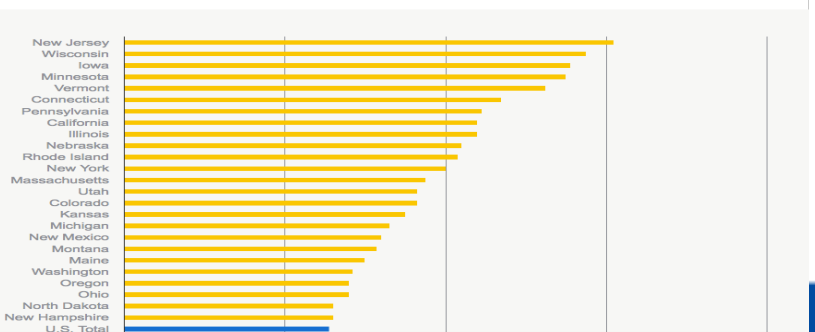
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Iowa Third Worst in the Country

<http://www.sentencingproject.org/the-facts/#rankings?dataset-option=BWR>

BLACK/WHITE DISPARITY

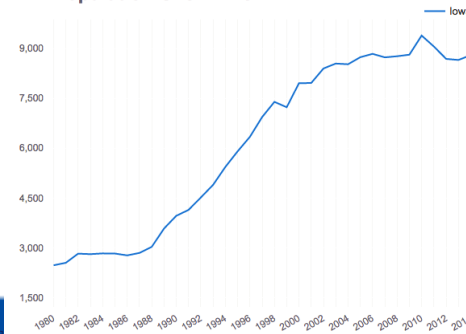
These data show the racial disparity in incarceration rates for black and white U.S. residents in each state.



Sentencing Project Chart

<http://www.sentencingproject.org/the-facts/#map>

Population Over Time



Iowa Imprisonment Rate by Race/Ethnicity (2014)

- Black: white ratio 11.1 : 1
- Hispanic: white ratio 1.7 : 1

What the Data Show

- Stops and Use of Force
 - Use of Force: [New 2016 Study](#) shows disparities in police use of force actually EXCEED disparities in arrests. When racial disparities in arrest are [controlled for](#), police are more likely to use force (spanning the use of force ladder, including hand/body weapons and Tasers) against Black people than white people.
- Iowa Data on Stops
 - Only two cities formally track and analyze traffic stop data to evaluate disproportionality policing.
 - Studies of traffic stop data in [Iowa City](#) and [Davenport](#)

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What the Data Show: Juvenile Arrests & School Discipline

- Systemic Racial Disparities in the Juvenile System
 - Iowa Department of Human Rights Division of Criminal and Juvenile Justice Planning [data](#) shows that Black children are 5 times more likely than white kiddos to be suspended from school.
 - They are also five times more likely to be arrested.

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What the Data Show: Preschool Discipline

- Nationally, US DEA data show that the disparities start almost at birth.
- Black preschoolers are more than 3 times more likely to be suspended, from *preschool*, than white children.

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Collateral Consequences of Felony Convictions - Lifetime Impacts Outside of the Criminal Justice System & Inter-Generational Harms

- Employment
- Public Benefits
- Education
- Voting. Iowa is the last and only state in the country that disenfranchises any person convicted of any felony for life
 - State felon disenfranchisement impact elections more than Voter ID by the numbers
- ALL of these things together work to perpetuate racial disparities, both in society more broadly and in the criminal justice system.

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Reforms

- Sentencing Reforms
- Anti-discriminatory Policing Legislation
- Body Cameras—Privacy Protections Needed
- Diversion Programs
- Policing Reforms & Training –
 - Implicit bias training provided for federal agents and prosecutors but no state equivalent
 - De-escalation training and techniques
 - Warrior v. Guardian Mentality
 - President's Task Force on 21st Century Policing Task Force Recommendations
- Restoration of Right to Vote following conviction, and other reforms Aimed at Integration following imprisonment and Reduce Recidivism

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Sentencing Reforms

- Reduce lengthy sentences overall
- Reform or Eliminate mandatory minimums
- Alternatives to prison for drug crimes. De-criminalize. Let's treat drug use as a public health and not criminal law problem with public health and not criminal law solutions.

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School-to-Prison Pipeline Reforms

- Get police out of schools. Counselors not cops.
- Diversion
- Instead of treating the kids as the problem, let's recognize that the schools environment itself can be. Better early start programs and support for working families.

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Police Reforms

- Body Cameras
 - Not a panacea. Need good policies on use & public access or all they do is amount to additional tools to surveil communities of color
- Training for police
 - Implicit bias
 - De-escalation
- Professionalization
 - Guardian v. Warrior mindset
- Anti-discriminatory profiling legislation

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Resources

- ACLU Marijuana in Black & White Report: <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>
- Overall arrest disparities – USA Today, with breakdown by Police Department: <http://www.usatoday.com/story/news/nation-now/2015/01/20/arrest-rate-interactive/22049927/> & Analysis: <http://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/>
- Racial Disparities in Use of Force Study: <https://policingequity.org/what-we-do/research/the-science-of-justice-race-arrests-and-police-use-of-force>

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Resources

- Iowa incarceration data from The Sentencing Project: <http://www.sentencingproject.org/the-facts/#map?dataset-option=SIR>
- State rankings in prison disparities from The Sentencing Project: <http://www.sentencingproject.org/the-facts/#rankings?dataset-option=BWR>
- Iowa City Traffic Stop Study by Christopher Barnum et al.: <http://www.iowa-city.org/weblink/0/doc/1481387/Electronic.aspx>
- President's Task Force on 21st Century Policing: http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf
 - Recommendations for reform: <https://www.justice.gov/opa/blog/president-s-task-force-21st-century-policing-recommendations-print-action>
- DOJ funded Implicit bias training for federal agents and prosecutors: <http://mobile.reuters.com/article/idUSKCN0ZD251>

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Resources

- Iowa Dept. of Human Rights Div. of Criminal and Juvenile Justice Planning Reports and Data on Racial Disparities in the Juvenile School Discipline and Arrest Rates: <https://humanrights.iowa.gov/cjip/disproportionate-minority-contact/reports>
- US DEA data on racial disparities in Preschool suspensions: <http://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>
- American Bar Association National Inventory on Collateral Consequences of Conviction: <http://www.abacollateralconsequences.org/>
- Brennan Center page ACLU's felon voting case *Giffin v. Pate*, that collects related documents, including all the amicus briefs: <https://www.brennancenter.org/legal-work/griffin-v-pate>
- ACLU page with case materials and background on various racial profiling related cases against Sheriff Arpaio and Maricopa County, Arizona: <https://www.aclu.org/cases/ortega-melendres-et-al-v-arpaio-et-al>, including 2013 and 2016 contempt findings, and links to information about the 2012 DOJ lawsuit

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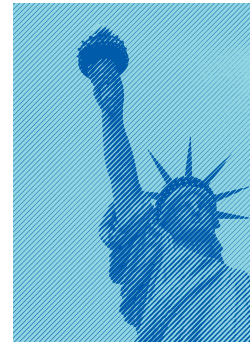


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